

BRAUN F-5-82
2782272

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CC81-0552-M

JAMES S. PRICE,)
)
Plaintiff,)
)
vs.)
)
JOHNS-MANVILLE SALES)
CORPORATION and JOHNS-)
MANVILLE AMIANTE CANADA,)
INC.,)
)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

IN RE:

ASBESTOSIS CASES

)
)
)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

gk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

DONALD A. HEIRONIMUS, As Personal
Representative of the Estate of
OVAL EDGAR HEIRONIMUS

vs.

No. EV 81-88-C

ATLAS ASBESTOS COMPANY, LTD, A
Division of Bell Asbestos Mines,
Ltd., et al

CHARLES WILEY MATTOX and
GARNETT IRENE MATTOX,

vs.

No. EV 81-212-C

A C & S, INC., et al

JOHN BOONE,
BETTY J. BOONE,
RALPH DUNKEL and
KATHLEEN ANN DUNKEL

vs.

No. EV 81-213-C

A C & S, INC., et al

MARTEA JANE TUCKER, Personal
Representative of the Estate of
ROBERT C. TUCKER, Deceased

vs.

No. EV 80-168-C

JOHNS-MANVILLE SALES CORPORATION, et al

DEPOSITION OF DR. DANIEL CARL BRAUN

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219
PHONE: (412) 263-2088

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELEANOR L. PLAS, Extrx. of the	)	CIVIL ACTION NO. C78-946
Estate of Edward Leroy Plas,)	
Deceased, et al.,	)	JUDGE JOHN M. MANOS
)	
Plaintiffs,)	
)	
vs.)	
)	
BETHLEHEM STEEL CORPORATION,)	
et al.,)	
)	
Defendants.)	

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

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COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

HUGH F. TEPFT, et ux, et al.,)	
)	
Plaintiffs,	)	NO. C80-924M
)	
vs.)	
)	
A. C. & S., INC., et al.,)	
)	
Defendants.)	

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE: MINNESOTA ASBESTOSIS-RELATED LITIGATION

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

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PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Roger N. Grenier,)	
)	
Plaintiff,)	
)	
vs.	)	Civil Action No. 81-123-L
)	
Johns-Manville Sales)	
Corporation, et al.,)	
)	
Defendants.)	

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

gk

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS.

SUPERIOR COURT

JANUARY TERM, 1982

C-81-173

Roger Morrissette

vs.

Johns-Manville Sales Corporation, et al.

C-81-164

Robert J. deRepentigny and Yvette deRepentigny

vs.

Johns-Manville Sales Corporation, et al.

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

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STATE OF RHODE ISLAND

SUPERIOR COURT

PROVIDENCE, SC.

PASQUALE SQUILLANTE

vs.

BETHLEHEM STEEL CORP.- and
JOHNS-MANVILLE CORP.

vs.

BENJAMIN FOSTER COMPANY,
et al.

C.A. File No.: 77-48

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

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POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219
PHONE: (412) 253-2088

gk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ANTONIO C. MIRANDA, et al.,)
)
 vs.) C. A. NO: 80-0217
)
JOHNS-MANVILLE PRODUCTS)
CORPORATION, et al.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

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IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

IN RE MASSACHUSETTS)	M.B.L. NO. 1
)	
ASBESTOS CASES)	M.B.L. NO. 2

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa.,
on Wednesday, May 5, 1982, at 10:00 a.m.

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IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NORTH DAKOTA
Southeastern Division

IN RE: ASBESTOSIS CASES	)	Civil No. A3-81-02
	)	Civil No. A3-81-103
	)	Civil No. A3-81-194

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE: ASBESTOS-RELATED LITIGATION) C/A No. MDCP-82-1

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

HENRY APPLING, et al.,)	
)	
Plaintiffs,)	
)	
vs.	)	CIVIL ACTION NO.
	)	81-2254-M
OWENS-CORNING FIBERGLAS)	
CORPORATION, et al.,)	
)	
Defendants.)	

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

gk

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGETTE BRADY AS REPRESENTATIVE
OF THE ESTATE OF FRANK G. BRADY

C.A. NO. 79-0626B

vs.

JOHNS-MANVILLE SALES
CORPORATION, et al.

EDWARD HACKETT, JR., et al.

C.A. NO. 80-0154

vs.

JOHNS-MANVILLE CORPORATION, et al.

LEO C. DUNN, et al.

C.A. NO. 81-0076

vs.

JOHNS-MANVILLE CORPORATION, et al.

ANTHONY BETTENCOURT

C.A. NO. 80-0602

vs.

JOHNS-MANVILLE CORPORATION, et al.

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

gk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

IN RE:)	CAUSE NO. 81-2-08702-7
)	
KING COUNTY ASBESTOS CASES OF)	
LEVINSON, FRIEDMAN, VHUGEN,)	
DUGGAN, BLAND & HOROWITZ)	
_____)	
IN RE:	)	CAUSE NO. 81-2-08703-5
)	
KING COUNTY ASBESTOS CASES OF)	
SCHROETER, GOLDMARK & BENDER)	
_____)	
IN RE:	)	CAUSE NO. 81-2-08704-3
)	
KING COUNTY ASBESTOS CASES OF)	
BANGS, CASTLE, SCHNAUTZ & HILFER)	
_____)	
IN RE:	)	CAUSE NO. 81-2-08705-1
)	
KING COUNTY ASBESTOS CASES OF)	
DODD, CONEY & BISHOP)	
_____)	
IN RE:	)	CAUSE NO. 81-2-08706-0
)	
KING COUNTY ASBESTOS CASES OF)	
MCCUTCHEON & GROSHONG)	
_____)	
IN RE:	)	CAUSE NO. 81-2-17287-3
)	
KING COUNTY ASBESTOS CASES)	
OF WALTHER, WARNER, KEEFE,)	
ARRON, COSTELLO & THOMPSON)	
_____)	

DEPOSITION OF DR. DANIEL CARL BRAUN

POWERS & GARRISON
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PHONE: (412) 283-2088

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DEPOSITION OF DR. DANIEL CARL BRAUN, a
witness called in behalf of the Plaintiffs, taken
by and before Richard E. Powers, a Registered Profes-
sonal Reporter and a Notary Public in and for the
Commonwealth of Pennsylvania, at the University Club,
123 University Place, Pittsburgh, Pa., on Wednesday,
May 5, 1982, at 10:00 a.m.

gk

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOE McGRATH, et al.,)	
)	
Plaintiffs,)	
)	
vs.	)	CIVIL ACTION NO.
)	
OWENS-CORNING FIBERGLAS	)	81-2658-M
CORPORATION, et al.,)	
)	
Defendants.)	

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
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PITTSBURGH, PA. 15219
PHONE: (412) 263-2088

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STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
Docket Nos. CA 80-612 and
CA 80-866 (Consolidated)

BARBARA J. BEAULIEU,)
)
Plaintiff,)
)
vs.)
)
AMATEX CORP., et al.,)
)
Defendants.)
)
BARBARA J. BEAULIEU,)
)
Plaintiff,)
)
vs.)
)
THE ANCHOR PACKING COMPANY,)
et al.,)
)
Defendants.)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken by and before
Richard E. Powers, a Registered Professional Reporter and
a Notary Public in and for the Commonwealth of Pennsylvania,
at the University Club, 123 University Place, Pittsburgh,
Pa., on Wednesday, May 5, 1982, at 10:00 a.m.

POWERS & GARRISON
COURT REPORTERS
SUITE 610, MANOR BUILDING
PITTSBURGH, PA. 15219

PHONE: (412) 263-2088

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING

JOSEPH E. BROWN and
JEAN BROWN,

Plaintiffs,

vs.

JOHNS-MANVILLE SALES
CORPORATION, ET AL.,

Defendants.

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CIVIL ACTION NO. 82-0015-W(H)

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

IN RE: ASBESTOS - RELATED LITIGATION) MDCP-82-1

DEPOSITION OF DR. DANIEL CARL BRAUN, a witness
called in behalf of the Plaintiffs, taken pursuant to the
Federal Rules of Civil Procedure, by and before Richard E.
Powers, a Registered Professional Reporter and a Notary
Public in and for the Commonwealth of Pennsylvania, at the
University Club, 123 University Place, Pittsburgh, Pa., on
Wednesday, May 5, 1982, at 10:00 a.m.

COUNSEL PRESENT:

For the Plaintiffs:

Charles W. Patrick, Jr., Esq.
Blatt & Fales
1611 Allen Street
Barnwell, S. C. 29812

For Deft. Johns-Manville:

Lane Young, Esq.
Freeman & Hawkins
618 Fulton Federal Building
Atlanta, GA 30335

For Defts. H. K. Porter and Southern Textile:

James M. Moher, Esq.
Howard, Kohn, Sprague & Fitzgerald
237 Buckingham Street
Hartford, Conn. 06106

For Defts. Eagle-Picher, Armstrong World and Keene
Corporation:

Herbert N. Rosenberg, Esq.
Rosenberg, Kirshner, Kaleugher & Winikoff
1000 Law & Finance Building
Pittsburgh, PA 15219

For Deft. J. P. Stevens:

Bruce M. Killion, Esq.
Willis & Holahan
955 Main Street
Bridgeport, Conn. 06604

For Deft. Pittsburgh Corning:

Thomas P. Lawton, III, Esq.
Reed, Smith, Shaw & McClay
747 Union Trust Building
Pittsburgh, PA 15219

COUNSEL PRESENT: (Continued)

For Deft. Raybestos-Manhattan:

Glenn E. Bost, II, Esq.
Thorp, Reed & Armstrong
2900 Grant Building
Pittsburgh, PA 15219

For Deft. Owens-Illinois, Inc.:

Michael V. Elsberry, Esq.
Mitchell, Loggins, Campbell & Elsberry
950 The Equitable Building
Atlanta, GA 30303

For Defts. Standard Asbestos, Revere, Eagle-Picher,
Fibreboard, Johns-Manville, Armstrong Cork,
H. K. Porter, Southern Textile, J. P. Stevens, Celotex,
Carey Canadian, Nicolet, Keene Corporation,
Baldwin-Ehret-Hill, and GAF Ruberoid (Washington cases
only):

Michael A. Small, Esq.
Preston, Thorgrimson, Ellis & Holman
2000 IBM Building
Seattle, WA 98101

For Deft. Keene Corporation:

Jerome Iwler, Esq.
Meyer, Darragh, Buckler, Bebenek & Eck
2500 Grant Building
Pittsburgh, PA 15219

For Deft. Fibreboard:

J. Michael Doherty, Esq.
Doherty & Robb
1475 Porter Building
Pittsburgh, PA 15219

For Deft. GAF:

Ronald J. Rademacher, Esq.
Tucker, Arensberg, Very & Ferguson
1200 PNB Building
Pittsburgh, PA 15212

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COUNSEL PRESENT: (Continued)

For the Witness and Industrial Health Foundation:

W. McCook Miller, Jr., Esq.
Kirkpatrick, Lockhart, Johnson & Hutchison
1500 Oliver Building
Pittsburgh, PA 15222

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Dr. Daniel Carl Braun				
by Mr. Patrick	20	-	116	-
by Mr. Young	-	45	-	-
by Mr. Small	-	112	-	-
by Mr. Lawton	-	115	-	-
by Mr. Moher	-	-	-	118
by Mr. Rosenberg	-	-	-	123
by Mr. Iwler	-	-	-	125

I N D E X (Continued)

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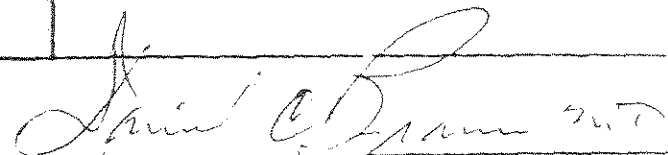
<u>BRAUN EXHIBITS</u>	<u>PAGE</u>	<u>BRAUN EXHIBITS</u>	<u>PAGE</u>	<u>BRAUN EXHIBITS</u>	<u>PAGE</u>
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DEPOSITION CORRECTION SHEETDESS: D. C. BRAUNTITLE: DEPOSITION 5/5/87

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RN TO: POWERS & GARRISON
 610 Manor Building
 Pittsburgh, PA 15219


 Signature of witness

P R O C E E D I N G S

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MR. PATRICK: This is the deposition of Dr. Daniel Braun, the subpoena of which was issued out of the Middle District of North Carolina. This deposition has been noticed in the Middle District of North Carolina for those cases entitled IN RE: ASBESTOS - RELATED LITIGATION.

It is a multi-jurisdictional deposition and has been noticed in the following jurisdictions. I will read a list of those cases of which I am presently aware that the deposition has been noticed.

This deposition has been noticed for the United States District Court for the Northern District of West Virginia at Wheeling in the case of Joseph E. Brown and Jean Brown, Plaintiffs, versus Johns-Manville.

It has been noticed in the State of Maine for Cumberland Superior Court in the case of Barbara J. Beaulieu versus Amatex Corporation.

It has been noticed for the United

Mr. Patrick

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States District Court for the District of
Rhode Island in the IN RE: RHODE ISLAND
ASBESTOSIS CASES, and it applies to all
Rhode Island Asbestosis No. 1 Cases.

It has been noticed in the Superior Court
for the State of Washington for King County
and the following asbestos cases of the
following law firms, as listed on the notice:
Levinson, Friedman, Vhugen, Duggan, Bland &
Horowitz; the King County asbestos cases of
Schroeter, Goldmark & Bender; the King County
asbestos cases of Bangs, Castle, Schnautz &
Hilfer; the King County asbestos cases of
Dodd, Coney & Bishop; and the King County
asbestos cases of McCutcheon & Groshong.

This deposition has also been noticed in
the cases of Joe McGrath, et al., Plaintiffs,
versus Owens-Corning Fiberglas Corporation,
with the cases pending in the United States
District Court for the Western District of
Tennessee, Western Division. Also pending in
the Western District of Tennessee, Western
Division, in the case of Henry Appling, et al.,

Mr. Patrick

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Plaintiffs, versus Owens-Corning Fiberglas.
The deposition has been noticed in those
cases.

The deposition has been also noticed for
the United States District Court for the State
of North Dakota, Southeastern Division, in
the IN RE: ASBESTOS CASES.

The deposition has been noticed for the
IN RE: ASBESTOS LITIGATION pending in the
Eastern District of North Carolina, those
cases having been consolidated for discovery
by Judge Dupre.

This deposition has been noticed in the
IN RE: MASSACHUSETTS ASBESTOS CASES, these
cases pending in the District of
Massachusetts.

This deposition has been noticed in the
case of Antonio C. Miranda, et al.,
Plaintiffs, versus Johns-Manville Products
Corporation, this case pending in the
District of Rhode Island.

Also in the State of Rhode Island,
Superior Court of Providence, this case has

Mr. Patrick

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been noticed in the case of Pasquale Squillante
versus Bethlehem Steel Corporation.

Also in the State of West Virginia,
Circuit Court of Cabell County, the deposi-
tion has been noticed in the cases of
Willie D. Ivey and Mary Jane Ivey, Plaintiffs,
versus Johns-Manville.

The deposition is also being taken for
the State of New Hampshire, Superior Court
in the cases of Roger Morrisette versus
Johns-Manville Sales Corporation and
Robert J. deRepentrigny and
Yvette deRepentrigny versus Johns-Manville
Sales Corporation.

This deposition has been noticed in the
case of Roger N. Greiner, Plaintiff, versus
Johns-Manville Sales Corporation, this case
pending in the District of New Hampshire in
the United States District Court.

There is a notice also in the United
States District Court for the District of
Rhode Island in the cases of Georgette Brady
versus Johns-Manville Sales Corporation and

Mr. Patrick

9

Edward Hackett, Leo C. Dunn and
Anthony Bettencourt versus Johns-Manville
Corporation.

Notice has also been sent out for this
deposition in those cases captioned IN RE:
MINNESOTA ASBESTOS-RELATED CASES OF RECORD
pending in the United States District Court
for the District of Minnesota.

Also in the following cases pending in
the United States District Court for the
Western District of Washington: Hugh F. Tefft,
et al., versus A. C. & S., Inc., and
Margie Armstrong, et al., versus A. C. & S,
Inc.

I believe that covers the list of
cases of which I am aware that notices have
been sent out. Plaintiffs' position would
be that the deposition is to be taken in
all cases in which notices have been properly
sent out to counsel and this is not an
exclusive listing of all notices that have
been sent out. There may be some notices
of which I am not aware.

1 Mr. Patrick

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3 Do any other counsel have any other
4 statements to place into the record?

5 MR. MILLER: I'd like to make one
6 comment. I'm McCook Miller, counsel for
7 Dr. Braun and also the Industrial Health
8 Foundation. Before the deposition started,
9 there was a motion and order signed by his
10 Honor, Judge Hubert Teitelbaum, of the
11 United States District Court for the Western
12 District of Pennsylvania, Proceedings
13 Miscellaneous No. 9091. It is here today
14 and we'd like to just indicate that this
15 proposed order, two-page order, was sent
16 along with the motion to all counsel listed
17 on the Notice of Deposition. The Court, of
18 course, does have jurisdiction and will
19 retain jurisdiction.

20 At this time I'd like to mark a
21 conformed copy of this order as Dr. Braun
22 Deposition Exhibit A.

23 (The document above referred to was
24 marked Dr. Braun Deposition Exhibit A for
25 identification.)

Mr. Young

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MR. YOUNG: On behalf of Johns-Manville, we would object to the classification in the alleged noticing of this deposition as a multi-state or multi-jurisdictional deposition.

We further object on the grounds that we have not been furnished copies of any and all notices that have allegedly been filed and, in fact, counsel for Plaintiffs has been so kind as to state on the record that he is not even sure of all of the courts in which the deposition has been noticed, which is further indication as to why we object to this type of deposition.

We appear at the deposition on behalf of Johns-Manville only insofar as a particular court in which the deposition was properly noticed and all counsel were served has specifically ruled that this type of deposition is allowable in that court.

We further appear subject to any motions to quash that have been filed or will be filed, reserving any and all rights which we

Mr. Young

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3 have with respect to said motion and the
4 ultimate decision of the court with respect
5 to the motion; and we object to the multi-
6 jurisdictional nature of the deposition on
7 those grounds.

8 MR. RADEMACHER: My name is
9 Ronald Rademacher of the firm of Tucker,
10 Arensberg, Very & Ferguson of Pittsburgh, PA.
11 I represent GAF Corporation at this
12 deposition in those cases where (1) GAF
13 is a party and where GAF has been properly
14 served with a complaint or other appropriate
15 process; (2) where GAF has not raised any
16 jurisdictional objection; (3) where GAF has
17 been properly notified of this deposition;
18 and (4) where there is no outstanding order
19 of court which would preclude the taking
20 of this deposition.

21 My presence today is not to be deemed
22 a waiver of any jurisdictional objections
23 GAF may have in any such case, and all such
24 objections are expressly reserved.

25 (Discussion off the record.)

Mr. Iwler

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MR. IWLER: My name is Jerome Iwler from the law firm of Meyer, Darragh, Buckler, Bebenek & Eck. I'm here representing Keene Corporation and Keene Building Products Corporation, and I adopt the objections stated on the record by counsel for Johns-Manville and counsel for GAF.

MR. DOHERTY: My name is Michael Doherty from the firm of Doherty & Robb. We represent Fibreboard Corporation and any other divisions of Fibreboard that may be named. We join in the same objection.

MR. SMALL: My name is Michael Small. I'm from the firm of Preston, Thorgrimson, Ellis & Holman in Seattle. I'm here representing for the purposes of the cases pending in the state courts of Washington and the federal courts the following clients: Standard Asbestos, Revere, Eagle-Picher, Fibreboard, Johns-Manville, Armstrong Cork, H. K. Porter, Southern Textile, J. P. Stevens, Celotex, Carey Canadian, Nicolet, Keene Corporation, Baldwin-Ehret-Hill, GAF

Mr. Small

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Ruberoid, and I adopt the same objections.

MR. ELSBERRY: My name is Michael Elsberry. I'm here representing Owens-Illinois. We adopt on behalf of Owens-Illinois the objections which have been stated; and, in addition, we state the objection that, insofar as the deposition is purported to be taken in the Minnesota cases in which discovery has been closed, it is unauthorized and contrary to the judge's rulings and should not be used in any of those cases.

And in case it is not clear, we also object to the deposition in any state in any court in which it has not been properly and appropriately noticed so as to give an opportunity to counsel in each respective state to determine what course of action to take on behalf of his client in that state.

MR. BOST: I'm Glenn Bost from the firm of Thorp, Reed & Armstrong, representing Raybestos-Manhattan. We adopt the objections that have been heretofore stated.

MR. LAWTON: Thomas Lawton of Reed,

Mr. Lawton

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Smith, Shaw & McClay on behalf of Pittsburgh Corning Corporation. Pittsburgh Corning Corporation joins in the objections heretofore made.

MR. KILLION: Bruce M. Killion here for J. P. Stevens. J. P. Stevens adopts all foregoing objections.

MR. ROSENBERG: H. N. Rosenberg of Rosenberg, Kirshner, Kaleugher & Winikoff. I'm representing Eagle-Picher, Armstrong World and Keene Corporation. I adopt all objections that have been made heretofore and all objections that will be made hereafter, unless I specifically state that I will not participate in that objection.

MR. MOHER: Attorney James M. Moher. I represent H. K. Porter, Inc., and the Southern Textile Corporation, also known as the Southern Asbestos Company. I likewise join in all of the objections previously stated by counsel with respect to the taking of this deposition.

MR. PATRICK: Does that cover it for all

Mr. Patrick

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the Defendants?

MR. MOHER: I think the record should reflect that counsel for the Plaintiffs has agreed that, rather than have each of the attorneys recite the objections of counsel for J-M, Fibreboard and Owens-Illinois, you have agreed to the procedure we can just adopt those as they apply to our respective clients, and that should be stated on the record.

MR. PATRICK: All right. I think stated on the record also should be the fact that all objections, except as to the form of the question, are reserved until time of trial, with particular application to the examination we anticipate by Johns-Manville.

MR. MOHER: And the objection of any one of the Defendants will apply to all of the Defendants, so that we need not all echo the same objection.

MR. PATRICK: That's agreeable.

MR. SMALL: I would also like to note for the record that, at least in the notices

Mr. Small

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of deposition that were served in the cases
aforementioned pending in the State of
Washington, that this deposition was noticed
to take place at the offices of the Industrial
Health Foundation and then, without prior
notice to us, the place of the deposition
was changed to this location, the University
Club, and we would object to the deposition
on that further basis.

MR. PATRICK: It is my understanding that
an amended notice was sent out with the
change in place.

MR. SMALL: If that's the case, I have
never seen it, and the record will show what
was and wasn't sent out and who did and didn't
receive it.

MR. PATRICK: Okay. Why don't we
proceed.

(Discussion off the record.)

MR. PATRICK: On the record. The
statement that Mr. Moher had made about
the Defendants' statements Plaintiffs'
attorney is agreeable with.

Mr. Young

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MR. YOUNG: Charles, I have one other thing. The documents that I am going to ask Dr. Braun about have previously been marked as exhibits to his deposition. Is it agreeable with everyone here to just use those prior exhibit numbers as opposed to having this court reporter mark the exhibits? Does anybody have any problem with that?

MR. PATRICK: That's perfectly agreeable with me. I also have documents on which I am to examine Dr. Braun that are documents that were marked in a deposition taken December 14, 1979. I would like for these documents to also reflect the same exhibit numbers as that deposition.

MR. IWLER: Do you know what case that deposition was taken in?

MR. PATRICK: It was taken for the Eastern District of Pennsylvania in the cases of Clarence Johnson and Virginia Johnson versus Turner Newall. That's the first named case on the caption.

MR. YOUNG: And the documents that I

Mr. Miller

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have were taken in the Circuit Court of Tennessee for the Fifteenth Judicial Circuit, the Circuit Court of Knox County, Tennessee, the United States District Court for the Eastern District of Tennessee, and the United States District Court for the Western District of Texas, San Antonio Division, on March 11, 1981.

Just so you all won't forget, I have agreed to take the exhibits to this deposition and provide all counsel to the deposition with copies of the exhibits, with an invoice for copying charges. Mr. Rosenberg and Mr. Bost didn't indicate on my list that they wanted copies.

MR. ROSENBERG: I do, yes.

(Discussion off the record.)

MR. MILLER: I think the record should reflect, if it is not in the protective order, that the doctor does not waive the reading and signing of the deposition.

Dr. Braun - Direct

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DR. DANIEL CARL BRAUN, a witness called
in behalf of the Plaintiffs, having been
first duly sworn, was examined and testified
as follows:

DIRECT EXAMINATION

BY MR. PATRICK:

Q Doctor, could you state your full name for the
record, please.

A Daniel Carl Braun.

Q What is your present address?

A Home address is 5700 Bunker Hill, Pittsburgh, PA
15206.

Q And what is your business address?

A Business address is 5231 Centre Avenue, Pittsburgh
15232.

Q By whom are you presently employed?

A Industrial Health Foundation.

Q And what is the Industrial Health Foundation?

A It's a nonprofit research organization dedicated
to the improvement of healthful working conditions
in industry.

Q How long has the Industrial Health Foundation been
in existence?

Dr. Braun - Direct

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A Under previous names it has been in existence since
December 1935.

5

Q What was it originally called back in 1935?

6

A At that time it was known as the Air Hygiene
Foundation of America, Incorporated.

8

Q Did it have a subsequent name change?

9

A Yes. In about 1941 it was changed to the
Industrial Hygiene Foundation of America,
Incorporated.

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11

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Q When did it come to be called the Industrial
Health Foundation?

13

14

A I think it was about 1969 or 1970.

15

Q And, despite these changes in names, has the
function of the Industrial Health Foundation
changed in any way since 1935?

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17

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A No. The basic function has remained the same
and the organization is the same.

19

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Q What is your present position with the Industrial
Health Foundation?

21

22

A I'm president.

23

Q How long have you been president?

24

A Since 1972.

25

Q Have you had any prior association with the

Dr. Braun - Direct

22

Industrial Health Foundation?

A Yes, sir. In 1951 I was first employed there as medical director. I left at the end of 1957 to join the U. S. Steel Corporation, and I returned in 1970 as manager of Occupational Health Services. In 1972 I was elected president.

Q Dr. Braun, I have a subpoena for your appearance today and it asks you to bring some documents, reports, articles, correspondence among the IHF, the Defendant, Johns-Manville Sales Corporation, and the ATI, research, minutes, surveys and studies regarding asbestos, and such correspondence. Have you brought those documents here today?

A Yes, I have.

MR. PATRICK: I'd like this subpoena to be marked as Plaintiff's Exhibit No. 1.

(The document above referred to was marked Plaintiff's Deposition Exhibit No. 1 for identification.)

Q Doctor, does the IHF maintain files, a library, or some kind of archives of documents?

A Yes, it does.

Dr. Braun - Direct

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Q And has your deposition been taken on prior occasions?

A Yes, it has.

Q And have you, in fact, been asked to bring these documents to depositions on some prior occasions?

A Yes, sir.

Q Do you remember having your deposition taken in December 1979, I believe it was, by a gentleman from our office by the name of Mr. Terry Richardson?

A I'm not certain of the date, but I do remember his taking my deposition.

Q Do you remember that deposition along with a Mr. Reuben and a Mr. Parnell?

A Yes, I do.

Q Do you remember on that occasion bringing documents or having documents copied for those gentlemen from your files?

A Yes, I do.

Q And were you asked in that deposition to identify certain documents?

A I was.

Q Now, what I have brought are the same documents, copies of those documents which were shown to you

Dr. Braun - Direct

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3 previously at that deposition, and what I am going
4 to do is simply ask you some questions of an
5 identification nature on each one of these docu-
6 ments again. For certain legal reasons we have
7 to go through it again.

8 The first document I'm going to show you is a
9 letter dated December 6, 1956, which has been
10 previously marked Braun Deposition Exhibit No. 2
11 for the 1979 deposition. I would simply ask that
12 these documents retain the same numbering system.
13 I would ask you, Doctor, if you could identify that
14 letter for us.

15 A Yes, sir. As you have said, it's a copy of a
16 letter dated December 6, 1956, to Mr. Hugh M.
17 Jackson, Manager of the Industrial Health Program
18 at Johns-Manville Corporation, bearing my typed
19 signature.

20 Q Did you author that particular letter, Doctor?

21 A Yes, I did.

22 Q And was it sent out on the date of December 6,
23 1956?

24 A Yes, sir.

25 Q Were you at that time employed by the IHF?

Dr. Braun - Direct

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A Yes, I was, as Medical Director.

Q Do you know if the original of that document is kept in the files or the archives of the IHF?

A Yes, it is.

Q And has the original been produced on prior occasion so that a copy may be made of that document?

A Yes, it was.

Q And do you find that a true and accurate copy of the original of that document?

A Yes, I do.

Q The next document I'll show you has previously been marked as Braun Deposition Exhibit No. 3 and is a letter dated May 3, 1957. If you could, identify that letter for us, please.

A Yes. It's a copy of a letter dated May 3, 1957, a letter to Mr. D. R. Holmes, Chairman of the Air Hygiene Committee, Asten-Hill Manufacturing Company, Philadelphia, bearing my typed signature.

Q Did you write that letter to Mr. Holmes?

A Yes, I did.

Q Who is Mr. Holmes or was Mr. Holmes?

A Mr. Holmes was employed by Asten-Hill Manufacturing

Dr. Braun - Direct

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Company. I don't know in what position. He was Chairman of the Air Hygiene Committee of the Asbestos Textile Institute, in which capacity I wrote this letter.

Q Did the IHF have any relationship with the Air Hygiene Committee of the Asbestos Textile Institute?

A I don't know what you mean by connection.

Q Was the IHF doing any studies or any research for the ATI at that particular time?

A No. We hoped to, and this letter was in that connection.

Q I think I may have not asked you this question. You did author that letter to Mr. Holmes?

A Yes, I did.

Q And you did it in your capacity as Medical Director of the IHF?

A Yes, sir.

Q The next letter I'm to show you is Braun Deposition Exhibit No. 4, and it bears the date of April 26, 1957. If you could, identify that letter for us, please.

A Yes, sir. That's a copy of a letter on Asten-Hill

Dr. Braun - Direct

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Manufacturing Company letterhead directed to me,
signed by Mr. D. R. Holmes, Chairman of the
Air Hygiene Committee of the Asbestos Textile
Institute.

Q Do you recall receiving that letter?

A Yes, I do.

Q And is the original of that letter maintained
in the files of the IHF?

A Yes, it is.

Q And would that be a true and accurate copy of
that original?

A Yes, it is.

Q The next document I'm going to show you is
what has been marked as Braun Deposition Exhibit
No. 5. It is a letter dated August 23, 1957.
If you could, tell us what that letter is.

A Yes, sir. That's a letter to Mr. Hugh M. Jackson,
Manager of the Industrial Health Program for
Johns-Manville Corporation, with my typed signature.
It is, as you say, dated August 23, 1957, a two-
page letter with attachment of three references.

Q Did you, in fact, write that letter to Mr. Jackson?

A Yes, I did.

Dr. Braun - Direct

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Q Who was Mr. Jackson?

A He was Manager of the Occupational Health Program or Industrial Health Program for Johns-Manville.

Q And is the original of this letter kept in the archives of the IHF?

A Yes, it is.

Q And would this be an accurate copy of that original?

A It is.

Q Because of a previous deposition, there is no Exhibit 6, so I'm simply going to skip to Exhibit No. 7. This next document is a letter dated August 3, 1953, which was previously marked as Braun Deposition Exhibit No. 7, with an attachment entitled, "Memorandum on Research Projects for Johns-Manville Corporation." If you could, identify the letter and the attached document for us, please, Dr. Braun.

A Yes, sir. This is a copy of a letter dated August 3, 1953, directed to Mr. Hugh M. Jackson, Manager of the Industrial Health Program, Johns-Manville Corporation, bearing the typed signature of C. Richard Walmer, M.D., Managing Director of

Dr. Braun - Direct

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the Foundation, with a copy to Dr. Kenneth Smith.

Q Who is Dr. Smith?

A Dr. Smith was Medical Director of Johns-Manville Corporation. And to the letter was attached, "Memorandum on Research Projects for Johns-Manville Corporation."

Q On the attachment do you recognize that particular logo as the logo of the Industrial Health Foundation?

A Yes, I do. It was the Industrial Hygiene Foundation at that time.

Q Excuse me, Industrial Hygiene Foundation. And did that logo in 1953 appear to be as such?

A Yes, it did.

Q And did in 1953 the Industrial Hygiene Foundation do studies for certain industrial concerns?

A Yes, it did.

Q Do you recognize Exhibit No. 7, both of those documents, as being copies of documents that are maintained by the Industrial Health Foundation in its archives?

A Yes, I do.

Q The next document I'm going to show has been marked

Dr. Braun - Direct

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as Exhibit No. 8 to the 1979 Braun deposition. It is a letter dated August 26, 1959, and it has an attached letter dated August 13, 1955. If you could, identify both of those documents for us, please.

A Letter directed to Mr. Hugh M. Jackson, bearing typed signature of Dr. C. Richard Walmer, who was Managing Director of the Foundation, with enclosure listed as letter of August 13, 1955, from John W. Kane, Corresponding Secretary, International Association of Heat and Frost Insulators and Asbestos Workers, and the attachment is a copy of that letter.

Q Do you recognize both of these letters as being accurate copies of documents which are maintained in the archives of the IHF?

A Yes, I do.

Q The next exhibit I'm going to show has been marked as Braun Deposition Exhibit No. 9. It is a letter dated May 21, 1956, and attached to it is a "Memorandum on Proposed Epidemiological Study of Lung Cancer in Asbestos Workers for the Asbestos Textile Institute." I would ask you if you can

Dr. Braun - Direct

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Identify this document for us.

A Yes, sir. That was a letter to Mr. Myril C. Shaw, Secretary of the Asbestos Textile Institute in Philadelphia from Dr. C. Richard Walmer, with copies to Mr. D. R. Holmes and Dr. Kenneth Smith, and attached to it is a proposal for an epidemiological study ^{of} ~~in~~ lung cancer in asbestos workers for the Textile Institute.

Q Why would Dr. Kenneth Smith be copied with a copy of this particular proposal?

MR. MOHER: I'm going to object to the form of the question. My understanding is that the letter was authored by somebody other than the doctor, and to ask him why somebody else would have sent this letter I think is going beyond --

MR. PATRICK: I'll withdraw the question.

BY MR. PATRICK:

Q Is this letter and the attachment in a format that was used by the Industrial Hygiene Foundation in 1956?

A Yes, it is.

Q Do you recognize these documents as documents that

Dr. Braun - Direct

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have been maintained by the IHF up to this time
in their archives?

A Yes, I do.

Q The next document is Braun Deposition Exhibit No.
10, the first page of which is a letter dated
June 19, 1956. The second page is a letter dated
June 18, 1956. If you could, identify both of
these letters for us, please.

A Yes, sir. The June 19, 1956, letter is also
addressed to Dr. Myril C. Shaw, Secretary of the
Asbestos Textile Institute, from Dr. C. Richard
Walmer, Managing Director of the Foundation, and
attached is a copy of a letter on the letterhead
of Asbestos Textile Institute to Dr. Walmer from
Mr. Shaw.

Q Are these accurate copies of documents that are
presently maintained by the IHF in their archives?

A Yes, they are.

Q The next letter is a letter dated June 10, 1957,
which has been marked as Braun Deposition Exhibit
No. 11. Would you identify this for us, please.

A Yes. It's a copy of a letter, as you say, dated
June 10, 1957, addressed to Dr. Kenneth W. Smith,

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Medical Director, Johns-Manville Corporation,
from Dr. Paul Gross, Research Pathologist for the
Foundation.

Q How long did Dr. Gross work with the Foundation?

A From about 1950 until 1972 in the active category,
and since 1972 as consultant.

Q And do you recognize this particular letter as
being one that is maintained by the IHF in its
archives?

A Yes, I do.

Q The next document is marked as Braun Deposition
Exhibit No. 12. If you could, identify this
particular document for us.

A Yes, sir. It's a copy of a letter dated June 21,
1957, to Dr. Kenneth W. Smith, Medical Director
of Johns-Manville, from Paul Gross, M.D., Research
Pathologist for the Foundation, and it has an
enclosure which is noted. Well, it's mentioned
in the letter.

Q Did you know Dr. Gross at that time?

A Yes, I did.

Q And are you, in fact, mentioned in this particular
letter?

Dr. Braun - Direct

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A I didn't read the letter.

MR. MOHER: I'm going to object to the form of the question. The document speaks for itself. If his name is mentioned, it's mentioned. He didn't author it, from what I understand, and it wasn't directed to him.

Q Do you recognize that letter as being one that has been maintained by the IHF in its archives?

A Yes, I do.

Q And is it a true and accurate copy of that original?

A Yes.

Q Now, the next exhibit has been marked as Braun Deposition Exhibit No. 13. If you could, tell us what that particular letter is.

A Yes, sir. It's a copy of a letter on Johns-Manville Corporation letterhead, dated December 30, 1957, addressed to Mr. Ivan Sabourin, St. Johns, Quebec, signed by Kenneth W. Smith, M.D., Medical Director for Johns-Manville.

Q Who was Mr. Sabourin?

A He was an attorney for the Quebec Asbestos Mining Association, and I believe also for Johns-Manville

Dr. Braun - Direct

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of Canada.

Q Were you familiar with this letter in 1957?

A It is dated the last day I worked for the Foundation at that time. I did see the letter following my leaving the Foundation.

Q And I believe, if I am correct, that this concerns some work that you were presently doing at that time?

MR. MOHER: Objection.

A Had finished doing, yes.

Q Do you recognize this as a letter that has been maintained by the IHF in its archives?

A Yes, I do.

Q And would it be a true and accurate copy of the original of that letter?

A It is.

Q Because of misnumbering in a prior deposition, there is no Exhibit No. 14, so we'll skip over to Exhibit No. 15.

The next document is Braun Deposition Exhibit No. 15, and I'd ask for you to look at that and see if you can identify it for us.

A This is a copy of a memo on the letterhead of

Dr. Braun - Direct

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Industrial Hygiene Foundation of America,
Incorporated, dated January 7, 1959, addressed to
Dr. Kenneth W. Smith, Medical Director, Johns-
Manville, Re: Case of Walter Burek, from
Paul Gross, M.D., Research Pathologist. It
consists of an unnumbered series of pages.

Q I believe there are some letters attached.

A Yes. Attached is a letter directed to Mr. Hugh M.
Jackson, Manager, Industrial Health Program,
Johns-Manville Corporation, bearing Dr. Paul Gross's
typed signature, and a letter to Dr. C. U. Culmer,
care of Johns-Manville Corporation, Waukegan,
Illinois, also bearing Dr. Paul Gross's typed
signature.

Q Does this represent the type of pathological
evaluation that was done at this time by the IHP?

MR. MOHER: Objection. My understanding
is that the doctor would not have been there
in 1959.

THE WITNESS: I was not there in 1959.

MR. PATRICK: All right. I'll withdraw
the question then.

Q Do you recognize this document, this pathological

Dr. Braun - Direct

36-A

report with the letters attached, as being true and accurate copies of documents that are now maintained by the IHF?

A Yes, I do.

Q The next document is Braun Deposition Exhibit No. 16. I'd ask for you to look at that, if you could, and tell us what it is.

A Yes, sir. It's an internal memorandum entitled, "Notes on Preliminary Visits to Asbestos Textile Plants; 1. Asten-Hill Manufacturing Company," and I recognize it as a memorandum that I wrote for our file and for Dr. Walmer's review.

Q Is that a true and accurate copy of documents which you originally authored?

A Yes.

MR. IWLER: Excuse me. Is that document dated?

MR. PATRICK: It does not bear a date.

Q Can you tell us generally about what time that document was generated?

A Yes. I would date it in 1957, sometime in 1957, early in 1957.

Q The next document is marked Deposition Exhibit No.

Dr. Braun - Direct

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17, and I would simply ask you whether or not that would be a continuation of what was Braun Deposition Exhibit No. 16?

A Yes, it is, and it's marked, "Notes on Preliminary Visits to Asbestos Textile Plants (cont.)," and has the number "4," the previous one ending with the number, "3," and it continues to the number, "7."

Q I believe you said that you prepared Exhibit No. 16. Did you also prepare this Exhibit No. 17?

A Yes, I did.

Q I show you what has been marked as Plaintiff's Exhibit No. 18. Could you identify that particular page for us, please.

A Yes. It's a tabulation of information probably contained in the previous two documents and relates to that same memorandum.

Q There are some handwritten notes on this document. Would those be in your handwriting?

A That's my handwriting, yes.

Q And the same goes for Braun Deposition Exhibit No. 19. There appears to be some handwriting on that page. Would that be, in fact, your

Dr. Braun - Direct

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handwriting?

A Yes, it is my handwriting. The previous one was typed from this handwritten document.

Q Do you recognize that as a true and accurate copy of the notes which you prepared in the early part of 1957?

A Yes, I do.

Q The next document has been marked as Braun Deposition Exhibit No. 20. If you could, identify that particular document for us.

A It's entitled, "Autopsy Protocol; Lukas, Mary; Prosector, Michel Janis, M.D."

Q What is the date on that document?

A The document itself doesn't have a date. The protocol is numbered, not dated, which is unusual.

Q I believe the date of expiration is in what year?

A 1959. That's the date that the subject died.

Q Then that would have been after the time that you would have been employed by the IHF; is that correct?

A Yes, it would have been.

Q But do you recognize this as an accurate copy of

Dr. Braun - Direct

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a document that has been maintained by the IHF
in its files?

MR. MOHER: Objection.

A Yes.

Q Now, the next document has been identified as
Braun Deposition Exhibit No. 21. If you could,
look at that and identify it for us, please.

A Yes, sir. That's a "Report of Preliminary Dust
Investigation for Asbestos Textile Institute" made
by ^W C.L. Hemeon, who was the head engineer for
the Industrial Hygiene Foundation of America,
dated June 1947.

Q When did you first see this particular study?

A I believe it was after these depositions began.

Q Do you know Mr. Hemeon?

A Yes, I do.

Q Have you had any occasion to have any type of
communication with him about that study?

A Yes, I have.

Q And what was that?

MR. MOHER: Objection.

Q You can answer.

A I believe when this was requested in one of the

Dr. Braun - Direct

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early subpoenas, we didn't have a copy of it in our files and I communicated with Mr. Hemeon to find out if he had a copy, which he did, and I think that's where we got our present copy of it.

Q So the document, the Hemeon study that is maintained by the IHF, was, in fact, one that was obtained from Mr. Hemeon?

A Yes, I believe that's correct.

MR. MOHER: Objection.

MR. IWLER: I object to the form of the question because the witness never testified that the document was maintained by the IHF. On the contrary, he testified that he got it from someone else in response to a subpoena attached to a deposition notice.

BY MR. PATRICK:

Q Is this document, the Hemeon study, which has been marked as Exhibit No. 21, now maintained in the files of the Industrial Health Foundation?

A Yes, our copy of it is.

Q And did the Industrial Health Foundation receive its copy of the Hemeon study from Mr. Hemeon himself?

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A Yes.

MR. IWLER: Objection.

MR. ROSENBERG: I would object to it, too, because the document was apparently prepared before Dr. Braun began employment with the IHF.

MR. IWLER: Dr. Braun has already testified how he got the document. It was not kept in the ordinary course of the records of the IHF.

BY MR. PATRICK:

Q Is this document, as it is now being kept by the IHF, kept in the normal and ordinary course of the business of the IHF?

A Yes, sir.

Q Approximately what year, if you can remember, was it when you received a copy of this report from Mr. Hemeon?

A The earliest of the depositions was, I think, 1977, so it would be between 1977 and 1979.

Q Is Mr. Hemeon still around?

A Yes, he is.

Q Where does he live?

Dr. Braun - Direct

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A He lives on Aliquippa Street. No. That was his old address. I don't know his present address, but he lives in Pittsburgh.

Q Have you had any recent communications with him at all?

A I see him almost every day at lunch upstairs.

Q The final document is Braun Deposition Exhibit No. 22. If you could, identify that for us, please.

A Yes, sir. That's on the letterhead of Industrial Hygiene Foundation of America, Incorporated, dated February 15, 1956, "Critique of Fiberglas Literature for Owens-Corning Fiberglas Corporation by Paul Gross, M.D., Research Pathologist." It's ten pages -- nine and a half pages.

Q Does it bear the IHF logo?

A Yes, it does.

Q As that logo was used in 1956?

A Yes, sir.

Q And is it an accurate copy of a document that is presently maintained in the archives of the IHF?

A Yes, it is.

Dr. Braun - Direct

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Q Would the archives or files of the IHF be maintained in the normal and ordinary course of the business of the IHF?

A Yes.

Q And when a document is received by the IHF, is it received into these archives in the normal and ordinary course of business of the IHF?

A Yes.

MR. MOHER: Objection to the form of the question. It doesn't have any time. You've got a witness here who was employed apparently from 1951 to 1957 and from 1970 through the present time, and you are talking about documents that apparently have dates from 1947 through a period of time that he was not employed by the IHF.

BY MR. PATRICK:

Q In your employment with the IHF have you become familiar with the business procedure by which the IHF maintains its files?

A Yes, I have.

Q And when it receives a document, is that document then placed on file with the IHF?

Dr. Braun - Direct

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A Yes, it is.

Q And, again, are these archives presently maintained in the normal and ordinary course of the business of the IHF?

A Yes, they are.

MR. PATRICK: I have no further questions.

MR. MILLER: Under the court order, Dr. Braun has the opportunity to take a 15-minute recess.

MR. YOUNG: Dr. Braun, I think that I'm the only one going to ask you any questions, so whatever you want to do is fine.

THE WITNESS: I think I'd just as soon continue.

MR. YOUNG: Whatever.

BY MR. PATRICK:

Q Doctor, in your capacity as Director of the IHF, are you the custodian of the records of the IHF?

A I'm the ultimate custodian of them, yes.

Q And were all these documents that I showed you from the files of the Industrial Health

Dr. Braun - Direct

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Foundation?

A Yes, they were.

MR. PATRICK: Thank you.

CROSS-EXAMINATION

BY MR. YOUNG:

Q Dr. Braun, you and I have met before. My name is Lane Young and I represent Johns-Manville in this litigation. I have a number of questions that I need to ask you. If you don't understand any of the questions, just tell me and I'll be glad to repeat it or rephrase it. Is that agreeable?

A That's agreeable.

Q All right, sir. Now, in an effort to save a little bit of time, did I ask you to review documents that have previously been marked as Defendant Johns-Manville's exhibits to your deposition, Nos. 1 through 29?

A Yes, you did.

Q Did you do that, sir?

A Yes, I did.

Q Before this deposition?

A Yes, sir.

Dr. Braun - Cross

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3 Q This morning?

4 A Immediately before, yes.

5 Q All right, sir. Now, I'd like to ask you some
6 questions about all of those documents, if that's
7 okay. Are you also the custodian of the originals
8 of all of those documents in your capacity as
9 president of IHF?

10 A Yes, I am.

11 Q Are these copies of documents that you have
12 previously produced for Al Parnell in our office?

13 A Yes, sir.

14 Q At an earlier deposition?

15 A Yes, sir.

16 Q Are these copies of originals of those documents
17 that are currently in your files or the IHF's
18 files?

19 A Yes, they are.

20 Q Are they true and accurate and correct copies
21 of those originals?

22 A Yes, they are.

23 Q Were these documents either produced or received,
24 to your knowledge, in the ordinary course of the
25 business of the IHF or one of its predecessors?

Dr. Braun - Cross

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A Yes, sir.

Q And it is the business of the IHF or its predecessors to keep such documents?

A Yes.

MR. DOHERTY: Lane, what was the date of the prior deposition that you were referring to?

MR. YOUNG: March 11, 1981. Off the record for just a second.

(Discussion off the record.)

MR. PATRICK: Let me put on the record that, of course, I have no objections to authentication of any new documents or any other documents that you have. Of course, I will reserve my objection as to what we previously stated in prior depositions, which is the anticipation of questions going beyond the scope of direct examination.

MR. YOUNG: Right. As I understand it, we are reserving all objections, except as to the form of the question specifically with respect to whether or not you feel like it's leading.

Dr. Braun - Cross

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MR. PATRICK: Right.

BY MR. YOUNG:

Q Dr. Braun, Mr. Patrick asked you about the Industrial Health Foundation and your position there and the predecessor companies and things of that nature. What I'd like for you to do now, please, sir, is tell the court and the jury that might be later hearing this deposition how and why the Industrial Health Foundation or its predecessors came into being and how it evolved to what it is today.

A Of course, again, I wasn't present in 1935, but I have had access to historical records and I've talked to the people involved. In 1934 they were digging some tunnels at Gauley Bridge, West Virginia, and a large number of the workers contracted silicosis, and it became a matter of national importance. A number of industrialists approached Dr. Weidlein, who was then president of Mellon Institute here in Pittsburgh, and asked him how they might go about conducting research, funding research, on not only silicosis but other diseases, particularly pulmonary diseases, caused

Dr. Braun - Cross

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-caused by the inhalation of dust at work.

Dr. Weidlein suggested that they constitute a fellowship within the Mellon Institute.

The Mellon Institute operated with a ^{core} ~~corps~~ of five or six departments and about 60 or 70 sponsored fellowships. These sponsored fellowships worked on different problems, none of which, to my knowledge, were health-related problems at that time.

These industrialists formed and incorporated the Air Hygiene Foundation of America as a fellowship within the Mellon Institute to collect funds and expend those funds in research on silicosis and allied ^{pulmonary} ~~research~~ disorders.

Q All right, sir. Then did the Air Hygiene Foundation move on into other diseases besides silicosis?

A Yes.

Q Can you give us some examples of some things that they moved into?

A Well, it soon became evident to everybody involved that there were other occupational hazards in addition to silica. Such things as

Dr. Braun - Cross

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solvents came under their jurisdiction, and heat, excessive heat, improper lighting, and that sort of thing.

Q All right, sir. At some point in time did the Foundation begin to have industrial members?

A From the beginning they had industrial members.

Q And did they start at some point in time -- I guess from the beginning they started doing research for these members?

A They didn't do the research within the Intramural Foundation, but they collected funds from these member companies and distributed them to organizations which were doing actual laboratory research. One of these was the University of Pennsylvania. Dr. Leroy Gardner at Saranac Lake was provided some support, and Johns-Hopkins University scientists got some support.

Q And now, during the period of time from the beginning of the Air Hygiene Foundation until today, can you tell us whether or not the IHF and its predecessors or corporations have had a number of different corporate members?

A Yes, they have. That original group numbered

Dr. Braun - Cross

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something less than 20, and at the present time we have about 145. In the interim we have had maybe as many as 160 and as few as 112 or 113.

Q All right, sir. From time to time you have some members who drop out?

A Yes.

Q And you obtain new members is that correct?

A Membership is on an annual basis. They will join and stay in for a while and, for various reasons, they drop their membership, possibly coming back later.

Q All right, sir. How is it that the members are charged or how do they pay the IHF?

A They pay annual dues, and the dues are based on the number of employees.

Q Has that always been the case?

A Yes, I think that has always been the case.

Q Now, the IHF offices are located in Pittsburgh; is that correct?

A Yes, sir.

Q And not too terribly far from where we are today?

A No. A few miles.

Q Can you just give us that address, if you would,

Dr. Braun - Cross

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please.

A 5231 Centre Avenue, and that's in zip code 15232.

Q Is there a library at the IHF offices?

A Yes, there is.

Q Do you feel like that library is fairly large with respect to the types of materials that are found therein?

A Yes. It has specialized in industrial health, industrial medicine, industrial hygiene, and in that respect it's fairly complete. As compared to general libraries, it's a small library.

Q Sir, in addition to the library at IHF headquarters, do you also have a number of documents that are kept in archives that Mr. Patrick referred to?

A Yes. We have correspondence files and report files.

Q Can you give us some idea of how these documents are located in those archives, total documents?

A Well, I could give you an estimate. We have about 13 five-drawer file cases and they are packed, and I would estimate that each drawer has perhaps 200 documents in it. So 1300 documents

Dr. Braun - Cross

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times five.

Q And the documents that you have brought here today in response to the Plaintiffs' subpoena are contained in two cardboard boxes. They are about a foot wide and a foot and a half long. Is that correct?

A That's correct.

Q All right, sir. Could you give us some idea as to what percentage of the total documents archived at the IHF the documents that you have brought today represent?

MR. PATRICK: Excuse me, Lane. There are some more documents in the back.

THE WITNESS: Those are bound copies of the Digest. They are not these documents.

MR. PATRICK: I see.

A You want to know what percentage of the total number of documents we have that these represent?

Q Yes, sir.

A Well, I'd say one/one hundredth as a very crude estimate.

Q Approximately one percent?

A Yes.

Dr. Braun - Cross

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Q Now, has the IHF done research for member companies that does not involve the topics discussed in these documents that you brought in response to Mr. Patrick's subpoena?

A Yes, they have.

Q Could you give the jury some idea of all of the other areas in which the IHF has done studies or research?

A Yes, sir. In the laboratory, in Dr. Gross's laboratory, they have studied the effects of exposure of animals to oven cleaners, paints, solvents, metals such as chromium; and the bulk of our work outside of the laboratory is epidemiological studies, which have been involved with oil dermatitis, chromium, effects of some trade chemicals not related to asbestos.

Q Dr. Braun, without going into discussion that could possibly take you all day, could you just tell us very briefly what an epidemiological study is?

A Yes, I think that I can do that briefly. An epidemiological study is an attempt to determine the health experience of a group of workers

Dr. Braun - Cross

55

carefully defined as compared to the general population or a similar population not exposed to the same thing that your study group is exposed to.

Q Thank you, sir. Now, with respect to the documents that may have been generated by the IHF in doing the studies and work that you just told me about, you have not been asked to produce those today, have you?

A No.

Q All right, sir. Specifically, you haven't been asked to produce any documents except for those documents that involve the IHF's work in the area of asbestos?

A That's true.

Q Could you give us some idea as to the percentage of the IHF's work that is represented by the documents that you have been asked to produce?

A Well, the percentage of documents represented by these documents is not exactly similar to the percentage of our work. Some studies require a great deal more work than others. Much of our work is not related to specific studies. So if the documents represent one percent, the work

Dr. Braun - Cross

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related to asbestos must represent one-tenth of a percent.

Q Thank you, sir. Has asbestos and related research ever been a major endeavor of the Industrial Health Foundation or its predecessors?

A Well, at the time we are doing a study it's a major effort and a lot of people are involved, but over the history of the Foundation work with asbestos has not been a major endeavor.

Q Has research that you have done in the area of chemical fields and related fields of that type been more of a major endeavor of the IHF?

A Yes. I think collectively the work that we have done and the studies we have made on things other than asbestos would be a much more important part of our work.

Q I believe you have already told us that you are currently the president of the IHF. Is that correct?

A Yes, sir, I told you that.

Q And you first started work with the IHF or its predecessor in approximately 1951?

A I think that was the case.

Dr. Braun - Cross

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Q Then you left for about 13 years beginning in 1957?

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A Beginning in '58, yes, or through '57.

6

Q What did you do while you were away from the IHF during that period of time?

7

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A I joined the U. S. Steel Corporation as medical director of the Homestead Works here in Pittsburgh for about two years, and then I was made associate medical director of the corporation.

9

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Q During the time period that you were with U. S. Steel, did you have any involvement with the ongoing day-to-day work of the IHF?

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A No. I kept in contact with the Foundation as the chairman of its Medical Committee and served as trustee for some period of time.

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Q All right, sir. To the extent that you have produced documents for the Plaintiff and testified about documents that were involved in that period of time, do you have any direct or personal knowledge concerning those documents?

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A I have to ask you to restate that.

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Q In other words, you weren't at the IHF at the time they were either created or received?

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Dr. Braun - Cross

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3 A For some of these documents that's very true, yes.

4 Q So to the extent that you have knowledge concerning
5 documents from 1958 to 1970, that is not a direct
6 first-hand type of knowledge?

7 A No, it is not.

8 Q I'm sure that I have already asked you this, but
9 when you produced the documents that have been
10 marked as Defendant's Exhibits 1 through 29 for
11 Mr. Parnell earlier, you did that in your capacity
12 as president of the Industrial Health Foundation?

13 A Yes, I did.

14 Q Now, Dr. Braun, when the documents that we've
15 talked about today and will talk about that I've
16 asked you to look at earlier were generated, do
17 you feel like the IHF had gained a certain pre-
18 eminence in its ability to do certain kinds of
19 work relative to research for industrial and
20 related people?

21 A I feel that the Foundation is a unique organiza-
22 tion. I don't think there is any other organiza-
23 tion that does all of the things that we do.
24 There are, of course, a number of laboratories
25 that do excellent research.

Dr. Braun - Cross

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Q Did the IHF have a library during the time period of 1950 before you left, or access to a laboratory?

A Laboratory or library?

Q Laboratory.

A During the time that you mentioned, Dr. Gross was in charge of an animal laboratory which was situated on the property of the Magee Hospital, which is here in Pittsburgh. That laboratory was subsequently moved to the campus of the University of Pittsburgh in a building that was originally the Mellon Institute.

Q Was there an organization known as the Trudeau Foundation during that period of time?

A Yes, there was.

Q Had that particular organization also acquired certain expertise in the same or similar fields to the IHF?

A Yes.

Q Now, with respect to the generation of the documents that we are talking about today, was there an association or any communications between the IHF and the Trudeau Foundation and/or the Saranac Lake people?

Dr. Braun - Cross

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3 A As I mentioned earlier, some of the funds collected
4 by the Air Hygiene Foundation were distributed to
5 the Saranac Lake group to fund certain research.
6 That would have ended, I imagine, in the early
7 1940's. From then on, there was no such connec-
8 tion between the Foundation and the Trudeau
9 Foundation or Saranac Lake group; but
10 Dr. Leroy Gardner of Saranac was active in our
11 Medical Committee and Dr. Lanza was active in it
12 and there may have been communications.

13 I don't think that we did any joint studies
14 or anything like that. We appeared on some of
15 their programs, they appeared on our programs,
16 and entirely irrelevant to that is the fact that
17 toward the end of this period Saranac Lake wanted
18 to sell their properties and there was a time that
19 the Foundation thought they might be interested
20 in purchasing them.

21 Q Do you recall any particular pneumoconiosis that
22 Saranac might have been studying as a result of
23 receiving funds?

24 A That would have been on silicosis.

25 Q Anything else that you recall?

Dr. Braun - Cross

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A No, I don't recall anything else.

Q Now, with respect to the Dr. Gardner that you mentioned earlier, was he one of the leading people in the lung area or the lung field during the time that you were involved with the IHF?

A He was pre-eminent in the field of lung pathology from the standpoint of animal experimentation.

Q Was he ever involved with the IHF Medical Committee?

A Yes. He was a member of the Medical Committee.

Q Do you remember when that was?

A No, I don't. Prior to 1950.

Q You mentioned Dr. Lanza. Can you tell us who he was?

A Yes. Dr. Lanza was at the time I knew him Medical Director of Metropolitan Life Insurance Company, and I believe a vice-president. He had been at Saranac Lake laboratory sometime in his career.

Q Was he also a leading person in the field of lung research and study?

A Yes.

Q Just so the jury will understand all of this, the

Dr. Braun - Cross

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moneys that you testified to earlier that were paid by members as dues, was some of that money the money that was used to fund these outside studies you are talking about?

A Yes. In the very early days it is my understanding that the object of the Air Hygiene Foundation was to collect funds from its member companies and distribute those funds to people who were capable of doing research on silicosis primarily.

Q And, of course, some of the money was kept to run the IHF itself?

A Very little.

Q Now, has the IHF and its predecessor corporations also, in order to supplement the moneys that it receives as membership dues, done special or specific research problems for member companies at their request?

A Yes, it has.

Q Can you give the jury just a few examples of what type of research and services might have been performed in this regard? We'll go into specifics in a minute, but just generally.

A The services of the Foundation ever since it

Dr. Braun - Cross

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acquired industrial hygiene engineers have included monitoring of the workplace for environmental hazards, contaminants, analyzing the samples collected, doing literature searches either in our library or through the data banks that are existent and can be entered by our library, during all of Dr. Gross's time animal pathology, animal exposure experiments; and our services now include courses that we put on, auditing of a medical department or industrial hygiene program.

Q Now, Plaintiffs' counsel asked you about certain letters between you and Hugh Jackson. Did those particular documents relate to a study which the IHF did for the QAMA, or Quebec Asbestos Mining Association?

A Many of those letters did, yes.

Q So the jury will understand the background for those documents being generated, can you tell me, please, sir, if, for example, a member company wanted something done by the IHF, what would you do in terms of figuring out how you were going to go about doing it and how you were going to

Dr. Braun - Cross

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charge that particular company?

A Well, we would probably generate a proposal covering our understanding of what it was the company wanted to have done. In that proposal we would make as accurate an estimate as possible of how long it would take to do the study. This is any study in general. And, based on the time involved and travel costs and so forth, we would estimate the cost to them.

Q So, in other words, a member company would come to you and say, "We suspect such and such to be a problem, and we would like for you to do a study in that regard"?

A Yes.

Q Then you would come back with some type of a proposal?

A Delineating the manner in which it could be attacked.

Q Now, assuming that you were doing such a study today for a member company, would you tell the jury to what extent, if any, that member company would be allowed to direct your activities with respect to the study.

Dr. Braun - Cross

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3 A At no time have we permitted interference. We
4 have certainly asked the member company what was
5 available, how to go about getting it, who to talk
6 to in their organization to get the facts; but we
7 take on a study -- and we do this all the time --
8 with the understanding that we are not to be
9 interfered with in the way that we do it or the
10 conclusions that we reach.

11 Q Would that be true for the time period that
12 involves the documents I asked you about earlier?

13 A It's always been true.

14 Q Specifically with respect to my client, Johns-
15 Manville, could you tell this court and jury if
16 you have any recollection of it ever directing
17 your activities in terms of any study, whether it
18 be one involving the Plaintiffs' exhibits or
19 another study?

20 A The only study of which I have personal knowledge
21 that involved Johns-Manville was the study done
22 for the Quebec Asbestos Mining Association, of
23 which Johns-Manville was a member. I have
24 excellent recollection of how that was done, and
25 there was no attempt on the part of Johns-Manville

Dr. Braun - Cross

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to influence our findings.

Q All right, sir. Would you take a look at what has been previously marked as Defendant Johns-Manville Exhibit No. 1 and tell us what that is, please, or identify it, if you can.

A Yes, sir. That's a copy of a letter dated November 21, 1955, directed to Dr. K. W. Smith, Medical Director of Johns-Manville, from me.

Q Does that particular document relate to a study or proposed study by the IHF?

A Yes, it does.

MR. MILLER: Could we go off the record?

MR. YOUNG: Yes.

(Discussion off the record.)

MR. YOUNG: For the record, we will recess until 1:00.

(Noon recess.)

BY MR. YOUNG:

Q Doctor, just as a matter of formality, I'll advise you that you are still under oath. You know that?

A Yes, sir.

Q All right, sir. Now, I believe before we took the lunch recess we were just getting into the

Dr. Braun - Cross

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documents that I asked you to look at before the deposition that have been marked as Defendant's Exhibits 1 through 29. Do you recall that?

A Yes, I do.

Q All right, sir. And you had looked at and identified, I believe, Defendant Johns-Manville's Exhibit No. 1. Is that correct?

A I don't remember whether I had finished identifying it. To be sure, I'll say that it's a copy of a letter dated November 21, 1955, directed to Dr. K. W. Smith, Medical Director, Johns-Manville Corporation. It bears my typed signature at the bottom.

Q Now, having reviewed that letter, does that refresh your recollection or allow you to recall discussions that you had with Dr. Smith relative to the proposed epidemiological study?

A Yes, sir.

Q Can you tell us what discussions you had with Dr. Smith during that time?

A I discussed two things with Dr. Smith. One was the survey, epidemiologic survey, of asbestos miners in Quebec in the towns of Asbestos and

Dr. Braun - Cross

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Thetford Mines, and the other thing was proposed survey of the medical setup at Johns-Manville's several locations.

Q All right, sir. Would this particular document be a part of the letterwriting correspondence that you had with Dr. Smith, some of which has already been identified as Plaintiff's Exhibits 2, 5, 7, 8 and 13, assuming that those are documents involving correspondence with Dr. Smith?

A Yes, it would be.

Q Referring again to Defendant Johns-Manville's Exhibit No. 1, could you tell us, please, sir, how it was that you first started moving towards the epidemiological study you have referred to and that is referred to in these particular documents, or have you ever told us that?

A No, I may not have.. Obviously sometime prior to November 21, 1955, there was some informal discussion which led us at the Foundation to believe that Johns-Manville as a member of the QAMA was interested in an epidemiologic study. It was also mentioned informally that they would like to have a medical survey, which was quite

Dr. Braun - Cross

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different. It would be a survey or audit of their medical facilities.

Q All right, sir. What was the proposed subject matter of this particular epidemiological study?

A To determine whether or not there was an excess of lung cancer among miners of asbestos.

Q Could you tell the court and jury, please, at this point in time in late 1955 what your understanding was of the present state of medical knowledge or the present state of the studies with respect to that particular topic.

MR. PATRICK: Excuse me. Let me go ahead and put on the record an objection at this point, because this is where we contend that the scope of examination greatly exceeds that of direct. Just for any future use of this deposition -- as I understand it, this objection is reserved, but at this point I'd simply like to make the record clear that we would object to any questions along this line and previous questions which you have had as being beyond the scope of direct examination, and when you start

Dr. Braun - Cross

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getting into the QAMA study.

MR. YOUNG: As I understand it, we are reserving all objections to the form of the question, except as to the question being leading; and that would, at least on behalf of Johns-Manville, encompass objections you might have as to whether or not the questions are outside the scope of direct.

MR. PATRICK: Thank you. I just wanted to make sure that that was clear on the record.

BY MR. YOUNG:

Q Do you remember what I asked you, Doctor?

A No. I'd have to have that read back.

Q Let me just see if I can ask it again. What was your understanding or your feeling in November of 1955, and at the time the plans were being made for this particular study, as to the state of the research or medical knowledge with respect to the proposed topic for this study?

A My understanding at that time was that over a period of about 20 years there had been reports of the simultaneous appearance of lung cancer and

Dr. Braun - Cross

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asbestosis, and that some people felt that the asbestos or asbestosis was the cause of the lung cancer, but I realized that those opinions were formulated on something that didn't satisfy me and didn't satisfy a lot of other people as to a direct causal connection. They were in selected groups of people. In some cases it was autopsy material, only people who came to autopsy. And while there was a strong suggestion, my feeling at that time was that it had not been proven one way or the other and that an epidemiology survey would be helpful.

Q Were there some writers or experts in the field at that period of time who took both sides of the issue?

A Some on each side; that's right.

Q Who was it that was ultimately chosen to be the cohort for the study? Do you understand my question?

A Yes, I do.

Q And once you have told us that, tell us why it was that you picked that particular group or that group was picked.

Dr. Braun - Cross

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3 A Well, I thought you meant how did I exactly define
4 the cohort. We define a cohort usually as a group
5 of people who are on the payroll on a certain date
6 and who can be followed for a certain period of
7 time, hopefully at least 20 years. The exact
8 date that I picked them I don't remember now, but
9 we wanted to confine it to asbestos miners in the
10 crysotile mines because we felt that that would
11 be a pure exposure.

12 Q To asbestos?

13 A To asbestos, to crysotile asbestos.

14 Q Then was it your suggestion or someone else's
15 suggestion that the study be done and involve
16 that particular group of people?

17 A It was my suggestion.

18 Q Did you approach anyone at Johns-Manville
19 relative to the study?

20 A Yes.

21 Q And who was that, sir?

22 A Dr. Smith with respect to the exact implementation
23 of the study because he had been the physician
24 at Asbestos, the town of Asbestos.

25 Q Tell the jury who Dr. Kenneth Smith was or what

Dr. Braun - Cross

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his title was at this time.

A By this time he was Medical Director of the Corporation, Johns-Manville Corporation.

Q Was anyone else from Johns-Manville involved in these discussions?

A Yes; Hugh Jackson.

Q What was his title?

A Hugh Jackson was manager of their Health & Safety Program.

Q Is that the Hugh Jackson that you referred to earlier on your examination by Mr. Patrick?

A Yes.

Q Did you have a meeting with Dr. Smith in connection with this work through the IHF?

A Yes. I had several meetings with him.

Q All right, sir. Had you ever met or dealt with Dr. Smith before that time?

A Yes, I'm sure I had.

Q During the course of the years that you worked on the epidemiological study, did you continue to converse and correspond with Dr. Smith?

A Yes.

Q Was that a frequent or infrequent occasion, or how

Dr. Braun - Cross

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would you describe that particular situation?

A I would say during that time we frequently talked.

Q Tell the jury, if you would, sir, what input with you, if any, Dr. Smith had in forming either the scope of this study or the manner in which it was carried out.

A Well, as I mentioned, Dr. Smith had been the plant physician at the town of Asbestos and was familiar with the type of records that were kept, and his successor, Dr. Granger, was also brought into the discussions, regarding the type of records that were available, whether they had knowledge of the employment period of the people that were there, whether there was an insurance program that covered these people; and Dr. Smith suggested, and I concurred, that we make the cohort as large as it could be because it's a disease of small incidence and you want to get as many people as you can for as long a period of time as you can.

Q All right, sir. Would it be fair to say then that Dr. Smith was basically providing you with information that would assist you in carrying out

Dr. Braun - Cross

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the study?

A Dr. Smith among others, yes.

Q Did you all develop a working relationship during the period of time that the study was being undertaken and done?

A Well, we worked together as was necessary. I didn't bother him with things that I didn't need his help on, and he didn't bother me.

Q To the extent that you needed him to do something for you or provide you with some information, was he generally available and willing to do that?

A Yes, he was. He was very helpful.

Q And did he direct your activities or tell you specific things to do in connection with the study?

A No, he did not.

Q Would you classify Mr. Smith as being supportive or not supportive of your work and your study?

A Very supportive.

Q Did you have discussions with Dr. Smith about the methods and approaches by which your organization might undertake to perform this epidemiological study?

Dr. Braun - Cross

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A Yes. In the proposal, I suppose, we told him how we thought we could approach it and welcomed any suggestions from him as to the approach to the study, not the conduct of the study.

Q In the initial stages of the study did you do a literature research up to that point in time?

A That was our starting point. That's right.

Q Did you discuss the results of that literature search with Dr. Smith?

A I don't know. I'm not sure.

Q Ultimately you and the IHF undertook to do an epidemiological study on a cohort of crysotile miners in Quebec?

A Right.

Q During the period of time that we have been talking about and during the period of time that the study was done, performed and produced, do you recall whether or not you had any discussions with Dr. Smith concerning the subject of health hazards to insulators as opposed to miners or textile workers?

A Not with Dr. Smith.

Q So the jury will understand your answer then,

Dr. Braun - Cross

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do I understand that you said that there were not any discussions of that type with Dr. Smith?

A No. My reply is that I don't recall that I talked over insulators or textile workers or anything like that with Dr. Smith.

Q All right, sir. Were there any discussions at any point in time when you were proposing the cohort of the study relative to including therein textile workers as well as miners?

MR. MOHER: I'm going to object to the form of the question. I don't know whether you are asking him if Dr. Smith spoke to him or he spoke to Dr. Smith. In one situation I obviously have a hearsay objection.

Q You can answer the question.

A Repeat your question, please.

Q Did you discuss with Dr. Smith during the initial stages of the study as the cohort was being formulated increasing the cohort itself to include textile workers as well as miners?

A I think I answered that. I don't recall discussing that with Dr. Smith.

Q Did those discussions take place later when you

Dr. Braun - Cross

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began to consider the survey or study for the
American Textile Institute?

A Those discussions?

Q Not with Dr. Smith but just in general.

A In general. Well, specifically the discussions
relating to the inclusion of textile workers, not
in this study but in a separate study which could
be compared with this study, were with, I guess it
was, Myril Shaw of the American Textile Institute.

Q I'll ask you some questions about that ATI study
in a minute. Can you tell the court and jury why
you didn't choose asbestos insulation workers as
a subject for this particular epidemiological
study?

A I didn't exclude them, but it was my feeling, my
thinking, at the time that insulation workers are
not like a group of miners that you can gather
together and have a cohort followed. I thought
insulation workers worked in different places in
small groups possibly and would not be easy to
make a study of.

Q Was your decision in that regard affected in any
way by your understanding as to the amount of

Dr. Braun - Cross

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exposure insulators had to asbestos and, if so, could you tell us about that?

A I had no knowledge of how much exposure they had, but, as I say, I thought it was an intermittent type of exposure and I had no reason to think that insulation workers were at risk separately from miners. Our information was that if asbestos were to cause lung cancer, the best information that you could get would be among miners who were exposed only to crysotile asbestos. Over a period of time, I should say.

Q Did your literature of sorts reveal any reports dealing with insulation workers that in any way affected this decision?

A Well, I'm sure that insulation workers were mentioned, as were weavers and textile workers, in the British literature. I can be gratuitous and say that I knew that there were no mines in England, asbestos mines, and that the reports of cases out of England were in people who worked in factories using asbestos.

Q What about the Fleischer-Drinker Report? Did your review of the Fleischer-Drinker Report have

Dr. Braun - Cross

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any effect on your not including insulation workers in your cohort?

A I think it probably did.

Q Why was that?

A Because Drinker felt that the exposure of insulation workers in shipyards, at least in the Norfolk shipyards, represented minimal risk, if any.

Q Do you recall whether or not you provided Hugh Jackson with any of that particular information?

A That I did.

Q Is that mentioned in the correspondence with Hugh Jackson that we have already discussed?

A I'm sure it is, yes.

Q Would you look at Defendant's Exhibit No. 2 and identify that for us, please.

A Yes, sir. That's a memorandum to Dr. Walmer, my superior at that time, from me about a meeting that I had with Ken Smith and Hugh Jackson to discuss the proposed study ^{for} of the Quebec Asbestos Mining Association.

Q Was that document prepared after the study group of the cohort had already been chosen?

Dr. Braun - Cross

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3 A No. It was before.

4 Q Take a look at Defendant's Exhibit 3 and identify
5 that for us, if you will, please.

6 A All right. Seven pages entitled, "Notes on
7 Dr. Braun's trip to Canada Re: Lung Cancer
8 Survey for Johns-Manville Corporation, February 28,
9 1956."

10 Q Did you prepare that particular document?

11 A Yes, I did.

12 Q Is that a document that was prepared after you had
13 made a trip to Canada?

14 A Yes, sir.

15 Q Tell the court and jury, if you will, sir, what
16 transpired when you went to Canada that gave
17 rise to that document or those notes?

18 A Well, as I said, it covers seven pages, and it
19 must have covered a week's time or ten days' time.

20 Q Well, with the other lawyers' permission, did you
21 basically go there to begin to gather information
22 so that you could start your study?

23 A I went there primarily on this occasion to find
24 out whether a study of this kind was feasible and
25 what sources of information were available.

Dr. Braun - Cross

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Q Was that document prepared during the time period that you were writing and receiving those documents involving Hugh Jackson that the Plaintiffs' lawyer asked you about earlier?

A Well, in the same time frame, yes.

Q All right, sir. And you were telling your superior at that time about the trip and what you had done with respect to seeing that this study was feasible and those types of things?

A That's right.

Q Was that particular trip referenced in Defendant's Exhibit No. 3 after the meeting that you had with Ken Smith and Hugh Jackson that's referred to in Defendant's Exhibit No. 1?

A Well, I think it was. No. 1 simply refers to the willingness to have a meeting. No. 2 refers to a meeting of December 15, 1955, and this is February 1956.

Q So I should have said Defendant's Exhibit No. 2?

A Right.

Q Now, by the time that Defendant's Exhibit No. 3 had been produced, had you already gotten into the beginnings of your epidemiological study?

Dr. Braun - Cross

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3 A No. Possibly the literature search, I don't know,
4 but not the actual study.

5 Q All right, sir. This was just a sort of a
6 forerunner of the beginnings of the study itself?

7 A Yes.

8 Q Will you look at Defendant's Exhibit No. 4,
9 please, and identify that for us.

10 A Yes, sir. This is dated March 16, 1956. It's
11 on the letterhead of the Industrial Hygiene
12 Foundation, Mellon Institute, 4400 Fifth Avenue,
13 Pittsburgh, PA. It's addressed to Mr. W. H.
14 Soutar, Secretary of the Quebec Asbestos Mining
15 Association, and it is the preliminary proposal
16 to do a study which I had by that time found to
17 be feasible.

18 Q All right, sir. Is that the epidemiological
19 study that we have been talking about?

20 A Yes, it is.

21 Q Now, once again with respect to the epidemiologi-
22 cal study, will you take a look at Defendant's
23 Exhibit 5 and identify that for us, please.

24 A That's a five-page document entitled, "Memorandum
25 on Proposed Epidemiological Study of Lung Cancer

Dr. Braun - Cross

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in Asbestos Workers for the Quebec Asbestos Mining Association." It's dated March 16, 1956.

Q What was the purpose of that particular document? Why was it prepared?

A Well, it was prepared to give the Quebec Asbestos Mining Association an idea of what we thought we could do and how long it would take, how it would be done, and how much it would cost.

Q Did you prepare that?

A Yes, I guess I did most of it.

Q Has your opinion with respect to the state of the evidence and the data on the relationship between asbestos exposure and lung cancer changed at all between the time that you testified about earlier and the time that this proposal was prepared?

A No. When you asked me that, I was talking about 1955, 1956, and I said for the 20 years preceding that there had been conflicting information.

Q All right, sir. Will you take a look, please, at Defendant's Exhibit No. 6 and identify that for us, if you will.

A Yes, sir. That's copy of a letter dated

Dr. Braun - Cross

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March 16, 1956, to D. R. Holmes of the Asbestos Textile Institute from Dr. Walmer.

Q I believe you previously identified for Plaintiffs' counsel a proposed epidemiological study for the ATI. Do you remember that?

A Yes, I did.

Q Can you tell us, please, sir, the relationship between Defendant's Exhibit No. 6 and the proposed epidemiological study for the American Textile Institute?

A I have to have that read back or clarified.

Q All right.

A Do you mean the proposed study for the QAMA?

Q No, sir. I'm talking about the proposed study for the ATI now. Defendant's Exhibit No. 6, what was the purpose of that document?

A Well, as I said, we had the feeling -- when I say, "we," I mean the Foundation -- that if we could also study asbestos textile workers as well as asbestos miners, we would develop more meaningful information.

Q Were you trying to set up a meeting with someone in Defendant's Exhibit No. 6?

Dr. Braun - Cross

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A That's the letter from Dr. Walmer and he is trying to set up a meeting with Mr. Holmes.

Q So that the jury will understand this, were you and the IHF at this point in time then proposing two separate studies?

A Yes, we were. Separate, but I would say complementary.

Q And you have already told us the classification of persons that would be involved in the studies. Is that correct?

A Yes, the miners in the one study and the textile workers in the other.

Q At any time during this time period -- and I'm talking about 1955, '56 and '57 -- did you or the IHF make any proposal to any organization to do a study on insulation workers?

A No.

Q Would you take a look, please, sir, at --

A I have the cover sheet. It's Exhibit 7.

MR. YOUNG: Let's go off the record for a second.

(Discussion off the record.)

Q Dr. Braun, look at Defendant's Exhibit No. 7 and

Dr. Braun - Cross

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tell us what that is and if perhaps you have already identified it.

A It's an exact duplicate of your Exhibit No. 4, a letter to Mr. Soutar from myself, dated March 16, 1956.

Q Okay. I'm sorry. What about Defendant's Exhibit No. 8? You already identified that document?

A Yes. That's the duplicate of your No. 5.

Q Dr. Braun, will you look at Defendant's Exhibit No. 9 and identify that for us, please.

A Yes, sir. It's a letter dated April 2, 1956, to Kenneth Smith from me.

Q What is the purpose of that document?

A To let Dr. Smith know that we appreciated his approval of our proposal to the QAMA.

Q And when you say proposal, you are talking about the epidemiological study?

A Yes, sir.

Q And you are indicating that Dr. Smith apparently approved your proposal?

A Yes. He thought it was all right.

Q So would you look at Defendant's Exhibit No. 10 and identify that for me, please, sir.

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A That's a letter on Johns-Manville Corporation
4 letterhead addressed to me from Dr. Smith, dated
5 March 29, 1956.

6

Q What is Dr. Smith doing?

7

A Thanking me for sending a copy of our proposed
8 study.

9

Q Was he acknowledging receiving your proposed
10 study?

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A Yes, and making the suggestion that we look at
12 the people who lived around the mines as well.

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Q Well, at this point in time what discussions, if
14 any, did you and Dr. Smith have as to how long
15 this particular study might ultimately go on and
16 with respect to following the cohort and those
17 types of things?

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A I think that the proposal would indicate the
19 length of time we expected this study to take,
20 but we had suggested that it be a continuing
21 study because, as you accumulate years of
22 exposure and continue your calculations of what
23 they call standardized mortality ratios, you get
24 more complete, more definitive information.

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Q So there was some thinking on your part that it

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might last into a period of ten to twenty years?

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A Yes.

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Q All right, sir. Would you take a look at

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Defendant's Exhibit No. 11, please, sir, and

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identify that for us.

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A Well, that is a duplicate of your No. 9. Here

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is No. 9.

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Q All right, sir. We've already talked about that

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particular document.

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A Yes, sir.

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Q Does that particular document have discussions

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in it relative to the dual proposition that we

15

talked about earlier?

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A It has no reference to the proposal to do an

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epidemiology study on the textile workers, but

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it does mention the medical survey for J-M.

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Q These documents that we have been talking about

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and which you have identified, are these documents

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part of the ongoing relationship that you earlier

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told us about with Dr. Smith during the time

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period of the study?

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A Yes.

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Q And they would, I assume, include in there

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suggestions that he had relative as to how to go about this study and how to gather information and those types of things?

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A Yes; how to gather information.

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Q And you have already told us why it was that Dr. Smith was particularly suited to help you in that regard?

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A Yes, I have.

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Q Did Dr. Smith introduce you to someone at the Thetford Mines that was of assistance to you with respect to gathering information for your study?

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A Yes. I think that he introduced me to Dr. Paul Cartier.

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Q Who was he?

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A He was the chief physician of the Thetford Mines Clinic, which was similar to the clinic at Asbestos, Quebec.

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Q Did Dr. Cartier make information available to you?

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A Yes, he did.

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Q Can you give us some idea as to the information that you requested and was provided to you in that regard?

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A Well, if it covered the same thing it usually does, I would have asked for employment records, medical records, X-rays, insurance records if they were kept at the clinic. It turned out that the insurance records were at the Sun Life Insurance Company. I went there to look at them.

Q Would you look at Defendant's Exhibit No. 12 and identify that for us, please, sir.

A That's a copy of a letter on National Cancer Institute of Canada's letterhead, dated April 13, 1956, to me from Dr. A. J. Phillips, the statistician for the National Cancer Institute.

Q Was that document subsequent to any dealings that you might have had with that individual?

A Yes, sir. He was one of the people I met on that extended trip to Canada in order to develop as much information as possible.

Q Would you take a look at Defendant's Exhibit No. 13 and identify that for us, please, sir.

A That's a copy of a letter dated June 7, 1956, to Mr. Ivan Sabourin from Dr. Walmer.

Q What was the purpose of that letter being written?

A To inform Mr. Sabourin that we were pleased to

have the approval of the QAMA to do the study.

Q Who was Mr. Sabourin?

A He was the attorney, as I say, for QAMA, and I believe also for Johns-Manville, Canada.

Q Was he of assistance to you in preparing and carrying out your study?

A He was of great assistance. He was a very well-known attorney in the Province of Quebec. He knew all of the government people who were concerned with occupational medicine, statistics, and demography, and he introduced me to many of them, including the Minister of Health.

Q Would you look at Defendant's Exhibit 14 and identify that for us, please, sir.

A Yes. Another letter dated October 11 on the letterhead of National Cancer Institute addressed to me. It consists of two pages from Dr. Phillips with a copy to Mr. Sabourin.

Q I believe we previously marked the second page of that document, for whatever reason, as 14A.

A Yes.

Q Is that correct?

A That's correct.

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3 Q Would you tell the court and jury, sir, why you
4 would have consulted with Dr. Phillips and how
5 the information you gained from him was to be
6 used in the epidemiological study.

7 A Yes. As statistician for the National Cancer
8 Institute of Canada, he would have a record of
9 the cases of cancer that occurred in Canada and
10 a breakdown of the types of cancer and where
11 they occurred and that sort of thing.

12 Q Saying that he was interested in your study?

13 A Yes, he was.

14 Q Would you look at the Defendant's Exhibit No. 15
15 and identify that for me, please, sir.

16 A Yes, sir. It's a letter to Dr. W. M. Gafafer,
17 dated November 16, 1956, from me.

18 Q Who was Dr. Gafafer?

19 A Dr. Gafafer was a statistician of national
20 repute. He was called technical adviser to the
21 Occupational Health Program, Division of
22 Special Health Services, Department of Health,
23 Education & Welfare, Washington, D.C.

24 Q All right, sir. Was that letter generated during
25 about the same period of time as the other

documents we have discussed dealing with your epidemiological study for the QAMA and the proposal for the ATI?

A It was generated about the same time.

Q If you would, please, sir, would you tell this court and jury who David Truan is or was.

A Dave Truan was a graduate of the Graduate School of Public Health in Pittsburgh at the University of Pittsburgh in epidemiology and biostatistics. He came out of the school to work with me on this particular study and several others of an epidemiological nature.

Q "This particular study" is the epidemiological study that we have been talking about?

A Of lung cancer in asbestos miners, right.

Q For the QAMA?

A Right.

Q Did that ultimately become known as the Braun-Truan Study?

A That's what some people call it.

Q Not to be facetious, but the Braun is obviously you. Right?

A Yes, sir.

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Q Was the Braun-Truan Study, in simple terms, your report of the results of the epidemiological study?

A That's right.

Q Would you take a look at Defendant's Exhibit No. 16 and identify that for me, please, sir.

A That's an interim report dated January 29, 1957, to the QAMA on the epidemiologic study of lung cancer in asbestos workers.

Q Would you give the date of that report to us.

A January 29, 1957.

Q To whom was that interim report submitted, Doctor?

A Well, everything we submitted to the QAMA was submitted to Mr. Sabourin. There isn't any indication on here of an addressee, but I would be certain that this would go to Mr. Sabourin for distribution to his client.

Q Would you look at Defendant's Exhibit No. 17.

A Yes, sir.

Q And there is an attachment there that's been identified as 17A, which I believe is the same as 16, but would you identify 17 for us.

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A Yes, sir. That's dated January 29, 1957, a letter from me to Dave Truan enclosing a draft of this interim report and asking for his comments.

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Q All right, sir. Look at Defendant's Exhibit No. 13, if you will, and identify that for us.

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A Copy of letter of March 8, 1957, to Ivan Sabourin from me covering the enclosure of 20 copies of this interim report.

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Q The interim report was D-16; is that correct?

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A Yes, sir.

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Q So then we have now established that the report was sent to Mr. Sabourin. Is that correct?

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A I'm sure it was.

16

Q The interim report that we have been talking about, is that a followup from the original proposal for the epidemiological study that we talked about earlier?

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A Well, it's our custom to give interim reports to the sponsor to tell them what we have gotten, what we have done up to date, that sort of thing.

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Q Was that the first report that you did with respect to this epidemiological study?

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A I would think it would be.

Dr. Braun - Cross

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Q Even though you did the majority of the work on the particular report, it was actually produced by the IHF; is that correct?

A Yes.

Q Would you look at Defendant's Exhibit No. 19 and tell me if that is another copy of Defendant's Exhibit No. 16, or is that possibly a later interim report?

A No, I don't think so. I think it's the same thing but typed. It's not a copy. It's re-typed so that the pages don't exactly match.

Q All right, sir. Could you tell the jury, if you would, up to this point in time what Dave Truan had done or was to do toward the production of the Braun-Truan report?

A Yes, sir. David Truan, as I said, was an epidemiologist-biostatistician. His expertise was in mathematics and statistics. When a person such as I collected data and turned it over to him, he would tabulate it and make calculations from which he would draw statistical conclusions.

Q Did he make any changes of any substance to the interim report that you forwarded to him that we

Dr. Braun - Cross

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discussed earlier?

A No. His input would have been into the material that went into the interim report, and if he made any changes in that, they would have been grammatical or punctuation or something like that. They would not have been substantive changes.

Q All right, sir. Would you look at Defendant's Exhibit No. 20 and identify that for me, please, sir.

A It seems to be another 19. Exhibit No. 20 is the report on an epidemiological study of lung cancer in asbestos miners for Quebec Asbestos Mining Association, Quebec, Canada, July 1956 to July 1957, dated September '57, the work done by me, the report countersigned by Dr. Walmer.

Q Dr. Braun, can you tell us, if you will, please, what discussions you might have had with Mr. Gafafer or Dr. Gafafer relative to this epidemiological study.

A Well, I can't tell you specifically or exactly, but I had great respect for Dr. Gafafer's ability as an epidemiologist. On this study and several others I asked him to look at them to see

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if he felt that there was anything that I should have done that I hadn't done, if I had handled the material in the proper way, and that sort of thing.

Q And had you dealt with Dr. Gafafer when you had done other epidemiological studies?

A Yes, I had.

Q You pretty much told us already who he is, but, as I understand it, he was one of the leading epidemiologists during this time period.

A Yes, I think he was.

Q Did you solicit his advice and opinions and suggestions relative to Defendant's Exhibit No. 20?

A Yes. I sent him a copy of it. I sent him a copy of the condensation which was to be published. I asked him the same questions that I asked him about other epidemiology studies that I conducted at that time.

Q Did you tell him during the period that the study was being performed and put into final form that you would try to keep him advised as to how it developed? Do you recall doing that?

Dr. Braun - Cross

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3 A I probably did.

4 Q Look at Exhibit No. 21 and identify that for me,
5 if you will, please.

6 A It's a letter to Dr. Gafafer dated January 14,
7 1957, from me, which is a covering letter for the
8 manuscript which was to be published in the
9 Archives of Industrial Medicine or Occupational
10 Health or whatever.

11 Q In what position were you writing Dr. Gafafer?
12 What was his title or how was he being written
13 in that particular exhibit?

14 A Technical Adviser of the Occupational Health
15 Program, Division of Special Health Services,
16 Department of Health, Education & Welfare in the
17 National Capital; but not in that position. Just
18 as a friend and as a consultant, somebody in
19 whom I had a lot of confidence.

20 Q Did you ultimately submit a condensed version
21 of the study to someone for publication?

22 A Yes, we did.

23 Q Now, we previously discussed some correspondence
24 back and forth between you and Mr. Sabourin
25 concerning comments that Dr. Smith had about your

Dr. Braun - Cross

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report. Do you recall those documents?

A I do recall the documents.

Q Did Dr. Smith in fact suggest some matters relative to your report and its publication?

A Yes, he did.

Q Now, with respect to the IHF and its policy on the submitting of reports to be published to the sponsor, can you tell the jury what the IHF's policy was at this time in that regard?

A It was and is that ^{the} final report of any study which was to be published -- I should go back and say that our policy is that if we do a study and it's publishable, we reserve the right to publish it, but we do give the sponsor the courtesy of looking at it before it's published.

Q All right, sir. Did you all do that in this instance?

A Yes, we did.

Q Now, would you tell the jury, if you would, sir, with respect to any changes suggested by Dr. Smith in this report, whether or not they were incorporated and, further, whether or not these changes in any way changed the content or

Dr. Braun - Cross

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the substance of the report.

A Well, the letter was from Dr. Smith to Mr. Sabourin and it commented on several things in the report ^{and} ~~that~~ made suggestions. That's the letter that was received, I think, on the last day of my tenure with the Foundation at that time.

I subsequently saw the letter, and it must have been before we actually submitted it for publication. I don't remember. I think that we have the letter here. I can find out what those suggestions were. They did not change the substance of the report.

Dr. Smith suggested that maybe I was talking over the heads of people if I said certain things; and I didn't think that I was, so I didn't incorporate that change. There may have been other smaller changes of words or something like that.

Q Getting back to the publication situation that we discussed a minute ago, was Dr. Gafafer the individual you sent the condensed version of the Braun-Truan Study to?

A I think I did send him the full report and the condensed version, but not for publication.

Dr. Braun - Cross

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Q No, sir. I'm sorry. Would you look at Defendant's Exhibit No. 22 and identify that for us, if you will please, sir.

A I think this is another copy of the report.

Q We lost the cover sheet. My notes indicate that it's a copy of the condensed version.

A That's possibly true. Is this 22? Yes, it has to be. Yes, this is the version for publication. The way I can tell that is it has the footnote, "This study was made possible through a grant."

Q All right, sir. If you would, would you tell us if there is any substantive change between the condensed version and the full version that we discussed earlier.

A No, there is not. *He explained* ~~I'll explain~~ many times that when you publish an article, a report that's 200-some pages, you must get it down into publishable, manageable size. There would be no sense at all in publishing it if it didn't tell what was in the report, but there are a lot of extraneous things in the report, for the edification of the sponsor perhaps, which don't go into a scientific journal. The report is

Dr. Braun - Cross

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exactly the same.

Q Would you look at Defendant's Exhibit No. 23 and identify that for us, please, sir.

A Yes, sir. This is a copy of a letter dated January 8, 1958, to Dr. Herbert Stokinger, Division of Occupational Health Field Headquarters, U. S. Public Health Service, 1014 Broadway, Cincinnati 26, Ohio, explaining to Dr. Stokinger, who was acting editor of the Archives, whatever it was called at that time, that Dr. Drinker had advised me to send the manuscript to him in his absence for consideration for publication.

Q Who was Dr. Stokinger?

A Dr. Stokinger was with the U. S. Public Health Service and I believe was head of their Division of Field Headquarters, and he was also their representative on the American Conference of Governmental Industrial Hygienists.

Q What is the U. S. Public Health Service called now?

A That is now the National Institutes of Occupational Health, or NIOSH.

Q Now, this is where you were sending the manuscript

Dr. Braun - Cross

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to begin a move towards having it published.

Is that correct?

A That's correct.

Q At any point in time did the QAMA ever ask you not to publish this work or any part of it?

A No. They were anxious to have it published.

Q And that would be true from the time period that the study was initially contemplated throughout?

A Yes. There was an understanding between us that if it was a publishable report, acceptable to a scientific journal, it would be published.

Q Dr. Braun, would you look at Exhibit No. 24 and identify that for us, please.

A That is a reprint of the report that was published, and it was then called the American Medical Association Archives of Industrial Health. The journal changed its name a number of times.

Q That's the name of the journal in which the Braun-Truan Study was published?

A That's correct.

Q And was it published in the same form it was originally submitted to Dr. Stokinger?

1 Dr. Braun - Cross

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3 A Yes.

4 Q All right, sir.

5 MR. IWLER: Excuse me. Do you have
6 a date of publication?

7 THE WITNESS: Yes. Accepted for
8 publication January 20, 1958. The date of
9 the journal in which it was published is
10 Volume 17, June 1958.

11 BY MR. YOUNG:

12 Q Was Dr. Stokinger the acting editor of that
13 particular journal at that time?

14 A Yes, he was.

15 Q Would you look at Defendant's Exhibit No. 25,
16 please, Doctor, and identify that for us.

17 A That's a letter on the letterhead of the AMA,
18 American Medical Association, Archives of
19 Industrial Hygiene and Occupational Medicine,
20 to me from Dr. Stokinger.

21 Q What is Dr. Stokinger telling you in that letter?

22 A He's telling me that the article has been reviewed.
23 This is a peer review journal, and they are
24 pleased to accept it for publication; and he
25 was kind enough to say that he found it a model

Dr. Braun - Cross

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of the epidemiological method in diseases of the lung.

Q And you received that letter?

A With gratitude.

Q Would you look at Defendant's Exhibit No. 26.

MR. ROSENBERG: What is the date of Exhibit 25, please?

THE WITNESS: January 20, 1958.

MR. ROSENBERG: Thank you.

BY MR. YOUNG:

Q Look at Exhibit 26, if you would, please, and I'll ask you to identify that and tell us whether or not that's a document that Dr. Stokinger sent you along with Exhibit 25.

A Right. It refers to the last part of his letter to me, saying that he was enclosing a review, which contains a few sentences that I have marked in this connection, that appears in the Annual Review of Medicine, which was his paper published in the Annual Review of Medicine, Volume 7, 1956, called, "Toxicological Aspects of Occupational Hazards."

Q Dr. Braun, had you before corresponding with

Dr. Braun - Cross

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Dr. Stokinger discussed the publication of your paper with Dr. Drinker, whom we referred to earlier?

A Yes. Dr. Drinker was the editor of the Archives and was the logical man to approach for permission to publish, and he was going to be away and suggested -- and I imagine that this was by telephone call -- that I contact Dr. Stokinger, who was acting editor.

Q Is he the Drinker of the Fleischer-Drinker Report?

A Yes, indeed.

Q That we've talked about earlier?

A Yes.

Q Do you recall what position Dr. Stokinger had, if any, with the American Conference of Governmental Industrial Hygienists?

A I think that he was the chairman of that conference.

Q Do you have any recollection of him having involvement with the Threshold Limit Value Committee?

A Yes. That's the committee that sets the TLV's or Threshold Limit Values.

Dr. Braun - Cross

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3 Q Can you tell us, if you would, please, sir, the
4 reputation that the journal that the Braun-Truan
5 Study was published in and enjoyed in the medical
6 research community.

7 A It's what is considered a reputable peer review
8 journal.

9 Q So that the jury will understand that, that means
10 that, generally speaking, medical and research
11 personnel across the country would be receiving
12 or viewing that particular journal as it was
13 published?

14 A Yes. Scientific people would receive the
15 journal. The articles submitted are submitted
16 to a peer review committee, who review the
17 articles before they are accepted for publication.

18 Q So would you look at Defendant's Exhibit No. 27,
19 please, Doctor, and identify that for us.

20 A That's a reprint from the Archives of Environment
21 Health, Volume 28, February 1974, entitled,
22 "The Health of Crysotile Asbestos Mine and
23 Mill Workers of Quebec," by J. Corbett McDonald
24 and others.

25 Q Who was he?

Dr. Braun - Cross

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3 A J. Corbett McDonald was an epidemiologist
4 originally from England, I believe, who went to
5 McGill University and was there at the time that
6 he made this study, and he has since returned
7 to England.

8 Q Now, sir, so that the jury will understand the
9 relationship of this document to your work, if
10 you would, just tell us if there is a relationship
11 and, if so, what it is.

12 A There is in the sense that he studied the same
13 problem some 17 years later and, therefore, had
14 the advantage of a longer exposure time to review,
15 and I believe more people. I'm sure that he had
16 more people, but he included the people that we
17 had studied and, in fact, we gave him our data.

18 Q All right. Would you look at the Defendant's
19 Exhibit No. 28 and identify that for me, sir.

20 A Yes, sir. That's a letter dated April 26,
21 1957, on letterhead of Asten-Hill Manufacturing
22 Company, addressed to me, from Mr. D. R. Holmes,
23 Chairman of the Air Hygiene Committee of the
24 Asbestos Textile Institute.

25 MR. MOHER: What is the date on that,

Dr. Braun - Cross

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please?

MR. YOUNG: April 26, 1957.

Q Is your proposal which we discussed earlier for the ATI being rejected?

A Yes.

Q So that the jury will understand everything that we've talked about today, then the QAMA study went forward, was completed and published; but the ATI ultimately rejected your proposed study of the textile workers?

A That's correct.

Q And you don't have any knowledge as to why that happened?

A No.

Q Was Mr. Hugh Jackson your contact at the ATI?

A Yes. Hugh Jackson was the person that we relied upon to get our message across to ATI. Holmes was the fellow that we eventually wrote to to formalize it.

Q Was Mr. Jackson cooperative in that regard?

A Yes. I'm sure he wanted to get that study for us.

Q Now, would you tell us, please, sir, if you would,

Dr. Braun - Cross

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with respect to the Braun-Truan Study itself,
that was the final writing, so to speak, with
respect to this epidemiological study. Is
that correct?

A That's correct.

Q Would you tell us, please, sir, whether or not
anybody ever tried or did alter or change that
particular study or the opinions therein?

A I have already stated that nobody did.

Q Would you look at Defendant's Exhibit No. 29,
please, Dr. Braun, and identify that for us.

A Letter dated May 3, 1957, to Mr. Holmes of the
Air Hygiene Committee of the ATI, from me, thanking
him for turning us down.

Q Dr. Braun, those are all the questions that I have.
Thank you very much.

A You are very welcome.

BY MR. SMALL:

Q Dr. Braun, I have just a few questions for you.
You testified earlier that the offices of the
Industrial Health Foundation are located in
Pittsburgh. Is that correct?

Dr. Braun - Cross

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3 A Yes, they are.

4 Q And has at any time the IHF or any of its
5 predecessors had any office in any city other
6 than Pittsburgh?

7 A No. It started out in the Mellon Institute in
8 Pittsburgh, and the only other office we had is
9 what we occupy now.

10 Q Is it correct then to say that the IHF never had
11 any staff or field office located in the Pacific
12 Northwest, in particular in the States of
13 Washington and Oregon?

14 A ~~No.~~ That's correct.

15 Q And during the period of time about which you
16 have testified this morning, namely, the period
17 1951 to 1957, did you have any communications with
18 any personnel from the Puget Sound Naval Shipyard
19 in Bremerton, Washington?

20 A Not that I know of.

21 Q To your knowledge, did anyone else from the Industrial
22 Health Foundation or its predecessors?

23 A I wouldn't be able to answer that.

24 Q During that same period of time did you have any
25 discussions with any personnel from any other

Dr. Braun - Cross

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shipyard in the Northwest?

A Not to my knowledge.

Q Did you have any communications, be they discussions or correspondence, with any of the personnel from any of the unions whose members worked at shipyards in the Pacific Northwest?

A No. The only correspondence from a union that I remember was in this group of exhibits and was from the Refrigeration Workers Union.

Q That was the letter from Mr. Kane; is that correct?

A That's correct, yes.

Q And that was previously marked and identified as Exhibit 8, I believe. Is that correct?

A I don't remember the number.

Q I think the record will show that it was. And that was a letter from Mr. Kane, who was a local union representative. Is that correct?

A Yes, that's right.

Q From Pittsburgh?

A I don't remember.

Q Is it correct to say, based on your prior testimony about the cohort with respect to your

Dr. Braun - Cross

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epidemiological study, that it did not encompass
any workers at any shipyards in the Pacific
Northwest?

A ~~No.~~ It was strictly limited to crysotile miners
in Asbestos and Thetford.

Q Thank you very much.

A You're welcome.

BY MR. LAWTON:

Q Doctor, on certain occasions did the IHF perform
studies for or at the request of companies which
were not members of IHF?

A I can't say that they didn't, but it's our
general policy to do studies only for member
companies.

Q Do you recall IHF performing a study for
Pittsburgh Corning Corporation?

A Yes, I do, and I can explain that in that
Pittsburgh Plate Glass, now PPG, was the member
that requested that study.

Q But Pittsburgh Corning Corporation was not a
member?

A Was not. That's correct.

Dr. Braun - Redirect

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MR. LAWTON: Thank you, Doctor.

REDIRECT EXAMINATION

BY MR. PATRICK:

Q I have just a few questions, Doctor. Pursuant to the subpoena you did bring all of your records relating to asbestos-related diseases?

A Yes.

Q And that kind of research done by the IHF, and I had you identify certain particular documents. Would that be correct?

A Yes.

Q But there are here at the deposition today a number of other boxes of materials relating to asbestos disease, and in the back I believe you said that there are some Industrial Hygiene Digests. Is that correct?

A Yes. In those five boxes back there are the bound volumes of our Industrial Hygiene Digest, which has been published since ¹⁹³⁷~~1957~~ to the present date, and they are bound year by year in those.

Q Would the Industrial Hygiene Digest be sent out

Dr. Braun - Redirect

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to member companies?

A Yes, it was.

Q And within the other correspondence and the other documents you brought with you, would there be a list of the member companies as they existed yearly as members of the IHF?

A During the course of these depositions we have been asked for the membership list year by year and we found that we didn't have some of them, but we tried to reconstruct it and we have a reconstructed list which may not be 100 percent accurate but represents the members that we have had over the years.

Q And all of these documents you brought today are maintained within the archives of the IHF?

A Yes, they are.

Q Not limited to the documents I had you identify?

A No.

Q But all of the documents that you brought today?

A That's correct.

Q And are you, in fact, as president of the IHF the custodian of all of these documents within the archives?

Dr. Braun - Redirect

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A Yes. They are my responsibility.

MR. PATRICK: I have no questions as to the subject matters raised by the cross-examination of the representative from Johns-Manville. I would object strenuously to the cross-examination being beyond the scope of my direct examination. I would like to place that on the record. If at any time that examination is used by a court, I would reserve my right to come back and examine Dr. Braun on the substantive matters as raised within the cross-examination by Johns-Manville.

MR. MOHER: I have just a couple questions.

RECROSS-EXAMINATION

BY MR. MOHER:

Q Dr. Braun, H. K. Porter Company was not a member, company of IHF, was it?

A Not to my knowledge. I wouldn't say definitely they were not.

Q And the Southern Asbestos Company, now known as the Southern Textile Corporation, was created in

Dr. Braun - Recross

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1974 and they are not a member of the IHF?

A No. My knowledge goes back to 1974 and I'm sure that they weren't.

Q Doctor, you said there is a list in the documents that you brought.

A Yes.

Q Could you identify that list for us, please?

A I think I could.

(Discussion off the record.)

(Dr. Braun Deposition Exhibit B was marked for identification.)

BY MR. MOHER:

Q Dr. Braun, the documents that have now been marked Braun B for identification, do those documents contain the lists, and that's plural, of the member companies that are available to you today?

A Yes, they do.

Q And you have spent some time in compiling those lists or trying to locate those lists?

A Yes.

Q And if a company did not appear on those lists, the probability would be that they would not be

Dr. Braun - Recross

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a member of IHF. Is that correct?

A A strong probability that they were not a member.

Q Doctor, when you were involved with the QAMA, did you deal with any other mining company other than Johns-Manville?

A Well, indirectly. The Thetford Mine Clinic served seven or eight mining companies grouped around Thetford Mines, Quebec; and the Asbestos Clinic served, as far as I know, only Johns-Manville's Asbestos, Quebec, Mine. So that the ~~record~~ ^{records} that we looked at at Thetford would include a number of companies. Bell Asbestos is one that I remember.

Q Any mining concerns other than Bell and Johns-Manville?

A Yes, sir. In those documents we just looked at, the report, the memorandum I prepared for Dr. Walmer lists the companies served at Thetford Mines Clinic.

Q Other than employees of Johns-Manville Corporation, did you associate or deal with, during your study dealing with the QAMA, any other employees of any other corporation that mined

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asbestos?

MR. YOUNG: I'm going to object to the form of that question. There has been no testimony that he was dealing just with employees of Johns-Manville for the reasons that he just stated; and, furthermore, I don't believe that Johns-Manville is the appropriate employer for the persons that were working and being seen at that particular clinic.

A I'm not even sure that any Johns-Manville people were seen at the Thetford Clinic.

Q You seem to have had some dealings with Hugh Jackson.

A Yes.

Q And with Dr. Kenneth Smith.

A Right.

Q Both of those gentlemen were employees of Johns-Manville?

A Yes, they were.

Q Now, did you deal with employees of any other corporation on the same level that you dealt with Dr. Smith or Hugh Jackson?

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A I don't know what level Dr. Paul Cartier was on with the various companies that he served, but he had a position equivalent to the position that Dr. Smith held at Asbestos, not in New York but at Asbestos. He was the plant physician, let's say.

Q And that's the asbestos corporation of Canada?

A Asbestos, Canada. Asbestos is the city or town or whatever, and Thetford Mines is a town. Grouped around Thetford Mines is a number of other mining companies, asbestos mining companies. Bell is the one I remember, probably because it's easy to remember.

Dr. Cartier was the plant physician for those companies, as Dr. Smith was in his time at Asbestos, the City of Asbestos. He was succeeded there by Dr. Granger, with whom I also dealt, and I may have met -- I wouldn't say dealt with -- executives of some of those other companies.

MR. MOHER: Thank you, Doctor. I have no further questions.

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BY MR. ROSENBERG:

Q Doctor, you indicated that some companies are in and out of IHF as members.

A Yes.

Q They would get the Digest only in the year of membership. Would that be correct?

A Well, that's technically correct. When a company quits, they don't always tell us immediately, and we think that they are just late in paying their dues and continue their subscriptions.

Q But, by and large, that would be so?

A Technically, that's so.

Q Do you have any personal knowledge of the dissemination of the Digest, as to how it is done from IHF, who does it, the mechanics of it?

A Yes, I have personal knowledge of that.

Q Do you have any personal knowledge -- I gather you would not -- how it is received at the various recipient companies?

A Yes, in a way I do. We have in each member company what we call a liaison person. That's the person to whom the invoice for dues goes, any correspondence that's related to membership

Dr. Braun - Recross

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services, and that sort of thing; and that's where the Digest goes, except that companies that get a number of subscriptions furnish us with a list of personnel to whom the Digest is to be directed. Some companies get 20 subscriptions. They give us 20 names to put on the addressograph machine.

Q Would you have this information available now as to whom the various Digests were sent ten, fifteen twenty years ago?

A No way, no.

Q If I would pinpoint one of those companies to whom the Digest would be sent or how it would be handled after it was received by that company, you could not tell us that today?

A No. That mailing list is kept current, but ones that are taken off are not kept.

Q All you can say is that a certain company got at least one Digest?

A Yes, sir.

Q But not to whom it was sent, the capacity of the person who received it, or the knowledge of the person?

Dr. Braun - Recross

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A No.

Q Or what happened to it after he received it?

A Or whether he read it.

MR. ROSENBERG: Thank you, Doctor.

BY MR. IWLER:

Q Dr. Braun, I noticed that when you were talking about epidemiological surveys as opposed to case studies, I believe you defined what an epidemiological study is for the attorney for Johns-Manville. Are case studies given more credence in the medical literature and among medical people, or are epidemiological studies given more credence?

A That's very difficult to answer. They serve different purposes. A case study is a report of a series of cases. It might be one or two or dozens of cases. It is not intended to show a causal relationship between exposure and an end result. For example, the case study that started all this was Lynch's case study in 1935.

Q Well, Lynch was a pathologist. Is that correct?

A Right.

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Q And that was one study of one person?

A That was, yes. Then it came along with another, and that made a series of two or three case studies.

Q Is it a fair statement that within the medical community, in order to determine cause and effect relationship, epidemiological studies are given greater weight than case studies?

A Yes, I think that's true. That's why over those 20 years that I mentioned no real attention was paid to that kind of thing, because they were simply isolated case studies.

Q Are you aware of when the first epidemiological study was done with regard to the insulation workers in the field, not textile workers or workers in mills but insulation workers in the field?

MR. PATRICK: Again I interpose my objection as to these questions going beyond the scope of direct examination. Counsel for Johns-Manville is aware, but I just want to make it clear as to all the other Defendants.

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3 A I'm not really aware of it, but the first one that
4 I know of that dealt with insulation workers was
5 the Fleischer-Drinker Study, and that was in the
6 sixties, I think.

7 Q And what were the conclusions of that study?

8 A I can almost quote Drinker as saying that the
9 occupation in the shipyard did not pose any
10 serious hazard.

11 Q And this is the same Dr. Drinker who was later
12 the editor of the publication where your study
13 was eventually printed?

14 A Yes.

15 Q I believe the Fleischer-Drinker Report was in the
16 middle to late forties.

17 A Oh, was it?

18 Q You also talked earlier in your testimony about
19 some reports out of England, out of Great Britain.

20 A Yes.

21 Q As I understand it, in the 1950's, around the
22 time that you did your report, there was a dispute
23 among medical people as to whether or not the
24 type of asbestos used in England would affect
25 people the same way as the type of asbestos used

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in the United States. Is that not correct?

A I don't know whether there was a dispute, but there was a difference of opinion, that's true, and it has been since then generally acknowledged that crocidolite, the African type of asbestos, is more damaging, more toxic, if you will.

Q Now I'm trying to go back to the mid-fifties. As I understand it, at that time there were medical people on both sides of the argument as to whether or not American workers would get the same results or get the same effects as British workers because we were using asbestos that was mined in Canada while in Britain they were using asbestos that was mined in South Africa. Is that not correct?

MR. PATRICK: I object to that question as being inaccurately based.

A I can't really answer it, either. I know there were differences of opinion. I don't know whether they were based on the type of asbestos at that time.

MR. IWLER: No further questions.

MR. MILLER: Mr. Patrick, you started

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this. Do you want to finish it?

MR. PATRICK: I don't have any further
questions.

(Thereupon, the above deposition
concluded at 2:40 p.m.)

CERTIFICATE

I, Dr. Daniel Carl Braun, do hereby certify that I have read the foregoing transcript, containing 129 pages of testimony, and it is a true and correct copy of my deposition, except for the changes, if any, made by me on the attached Deposition Correction Sheet.

Daniel Carl Braun MD
Dr. Daniel Carl Braun

Date: June 10, 1988

COMMONWEALTH OF PENNSYLVANIA)
) SS:
 COUNTY OF ALLEGHENY)

CERTIFICATE

I, Richard E. Powers, a notary public in and for the Commonwealth of Pennsylvania, do hereby certify that the witness, Dr. Daniel Carl Braun, was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth; that the foregoing deposition was taken at the time and place stated herein; and that the said deposition was recorded stenographically by me and then reduced to typewriting under my direction, and constitutes a true record of the testimony given by said witness.

I further certify that I am not a relative, employee or attorney of any of the parties, or a relative or employee of either counsel, and that I am in no way interested, directly or indirectly, in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 7th day of February, 1985.

Richard E. Powers

RICHARD E. POWERS, NOTARY PUBLIC
 PITTSBURGH, ALLEGHENY COUNTY
 MY COMMISSION EXPIRES MARCH 10, 1987
 Member, Pennsylvania Association of Notaries